



## STATEMENT OF ENVIRONMENTAL EFFECTS

Alterations and Additions to the Berry Hotel, expansion onto 122 Queen Street, construction of new hotel accommodation at 79-83 Princess Street, consolidation of 4 lots, associated parking and landscaping, formalisation of access and parking on 77 Princess Street

120-122 QUEEN STREET, 77-83 PRINCESS STREET, BERRY





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# Statement of Environmental Effects

Prepared for submission to Shoalhaven Council

Alterations and additions to the Berry Hotel, expansion of the Berry Hotel onto 122 Queen Street and construction of new hotel accommodation at 79-83 Princess Street, consolidation of 4 lots, associated parking and landscaping, together with formalisation of access and parking on 77 Princess Street

At

120-122 Queen Street and 77-83 Princess Street, Berry

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Annexures			
Annexure No.	Title	Prepared by	Date
1	Survey plans and elevations DP 209665	Stuart De Nett Land Surveyors -	25 July 2022 -
2	Arboricultural Impact Assessment Report	Jacksons Nature Works	22 May 2023
3	Heritage Impact Statement	John Oultram Heritage & Design	July 2023
4	Hotel Licence (LIQH400119917) and approved Plan of Management	ILGA -	7 October 2022 29 December 2020
5	Plans of the Proposed Development	H&E Architects	27 May 2023
6	Landscape Plan	Site Design + Studios	18 May 2023
7	Proposed Plan of Management	Feros Group	July 2023
8	Acoustic Report	Koikas Acoustics	6 July 2023
9	Traffic and Parking Report	Traffix	14 September 2023
10	CPTED Report	Design Collaborative	September 2023
11	Access Report	Lindsay Perry Access	1 June 2023
12	BCA Reports: Berry Hotel – Pub Alts and Adds Berry Hotel – Hotel accommodation/Carpark	360 Certification	31 May 2023 16 June 2023
13	Stormwater Management Report and Plans; MUSIC and DRAINS modelling	Enscape Studio	26 May 2023 6 June 2023 16 August 2023 September 2023
14	Operational Waste Management Plan	Power Waste Management	undated
15	Geotechnical Investigation and Acid Sulfate Soils Assessment	STS Geotechnics	May 2023
16	Preliminary Site Investigation	El Australia	23 May 2023
17	Clause 4.6 Variation Request – height	Design Collaborative	September 2023
18	Biodiversity and Values Map and Threshold (BMAT) Report		1 September 2023

# 1. Introduction and Executive Summary

This Statement of Environmental Effects accompanies a Development Application that seeks consent for alterations and additions to the Berry Hotel at 120 Queen Street, Berry, expansion of the Berry Hotel onto 122 Queen Street, construction of new hotel accommodation at 79-83 Princess Street, consolidation of 4 lots and associated parking and landscaping at 120-122 Queen Street and 79-83 Princess Street, Berry, together with works on the adjoining Council-owned land (Lot 1 in DP 209665) at 77 Princess Street to provide access and to formalise the existing parking.

The proposal does not include any works to the existing commercial building (former bank) at 122 Queen Street or the Berry Inn at 17 Prince Alfred Street, Berry (which together comprise SP 93194) or to its common property.

The proposed works on 77 Princess Street, owned by Council, are consistent with the Berry Town Centre master plan contained in Shoalhaven DCP 2014.

## Summary of the Subject Site

The Subject Site is located at 120 Queen Street, 122 Queen Street (aka 17 Prince Alfred Street), and 77-83 Princess Street, Berry and occupies land legally described as Lot 1 DP 578257, SP 93194, Lots 1-3 DP 342913 and Lot 1 in DP 209665. It is located at the south-western corner of Queen and Prince Alfred Streets and also has frontage to Princess Street to the south (see **Figure 1**).



**Figure 1: Location** (site edge red; Council owned lot edged yellow)

Source: nearmap

The site includes a parcel of land owned by Council at 77 Princess Street (Lot 1 DP 209665) as works are proposed on that lot to provide access and formalise parking, in a manner consistent with the Berry Town Centre plan in Shoalhaven DCP 2014 (see further below).

The site is occupied by:

- the Berry Hotel at 120 Queen Street (Lot 1 DP 578257);
- a two storey commercial (former bank) building at 122 Queen Street and the Berry Inn at 17 Prince Alfred Street (SP 93194);
- a dwelling house at 79-81 Princess Street (Lot 2-3 DP 342913); and
- gravel surface driveway access and unmarked public car parking at 77 Princess Street (Lot 1 DP 209665) owned by Council.

No. 83 Princess Street (Lot 1 DP 342913) is vacant.

### **Berry Hotel**

The Berry Hotel is a part one, part two storey building sited on the frontage to Queen Street with a separate garage building in the south-eastern corner of the lot.

The Hotel is listed as heritage item No. 87 under Shoalhaven LEP 2014 and is within Heritage Conservation Area C6 – Queen Street.

The Hotel operates under a hoteliers licence (LIQH400119917) under the Liquor Act 2007 and its licensed hours of operation are:

- For the whole of premises excluding the outdoor deck and eating area on Queen Street – 5am – 2am Mon-Sat, 6am-12 midnight Sun; and
- For other areas – 5am – 12 midnight Mon-Sat, 6am – 12 Midnight Sun.

The Hotel operates in accordance with an approved Plan of Management.

### **122 Queen Street/17 Prince Alfred Street**

122 Queen Street is a two storey former bank building used for office purposes and situated on the Queen Street frontage and along the frontage to Prince Alfred Street to the east with associated gardens and a swimming pool to its south-west.

To the rear of the parcel is the Berry Inn, known as 17 Prince Alfred Street, situated on the western boundary. The Berry Inn is a former stables building which has been converted to tourist accommodation containing 6 units and a manager's residence.

No works are proposed to either of the existing buildings on this part of the site or to the common property (parking and access).

The parcel is listed as heritage item No. 88 under Shoalhaven LEP 2014 and is within Heritage Conservation Area C6 – Queen Street.

### **Surrounding Area**

The site is located in the Berry town centre which extends along Queen Street, primarily to the west of the site. No. 122 Queen Street forms one of the gateways to the town centre. Development within the centre comprises a mix of older style and historic 1-2 storey buildings comprising a mix of attached shop buildings and detached buildings. The centre contains a mix of shops, food and drink premises (cafes, restaurants, pub), boutiques, other business uses and services. There are a number of heritage items within the town centre and the block between Prince Alfred Street and Alexandra Street is within the Queen Street heritage conservation area.

The larger surrounding area is characterised by residential development, primarily single dwelling houses, 1-2 storeys in height, together with some tourist accommodation development.

## Summary of Proposed Development

This Application seeks consent for alterations and additions to the Berry Hotel at 120 Queen Street, Berry, expansion of the Berry Hotel onto 122 Queen Street, construction of new hotel accommodation at 79-83 Princess Street, consolidation of 4 lots, associated parking and landscaping, together with works on the adjoining Council-owned land (Lot 1 in DP 209665) at 77 Princess Street to provide access and to formalise the existing parking (see **Figure 2**).

The proposal does not include any works to the existing commercial building at 122 Queen Street or the Berry Inn at 17 Prince Alfred Street, Berry (which together comprise SP 93194) or to its common property.

The purpose of the proposal is to improve, upgrade and extend the facilities currently provided at the Berry Hotel in a manner consistent with the heritage significance of the site and surrounds and to provide new, high-grade hotel accommodation and access and parking infrastructure. Together, the proposed development will serve the needs of the local community and visitors to Berry and the wider region.

The proposed development will facilitate the operation of the Hotel as a family-friendly hotel, upgraded and expanded to provide improved amenity, with a strong focus on its food and dining offering to support the community and tourism functions of Berry, in association with the new accommodation.

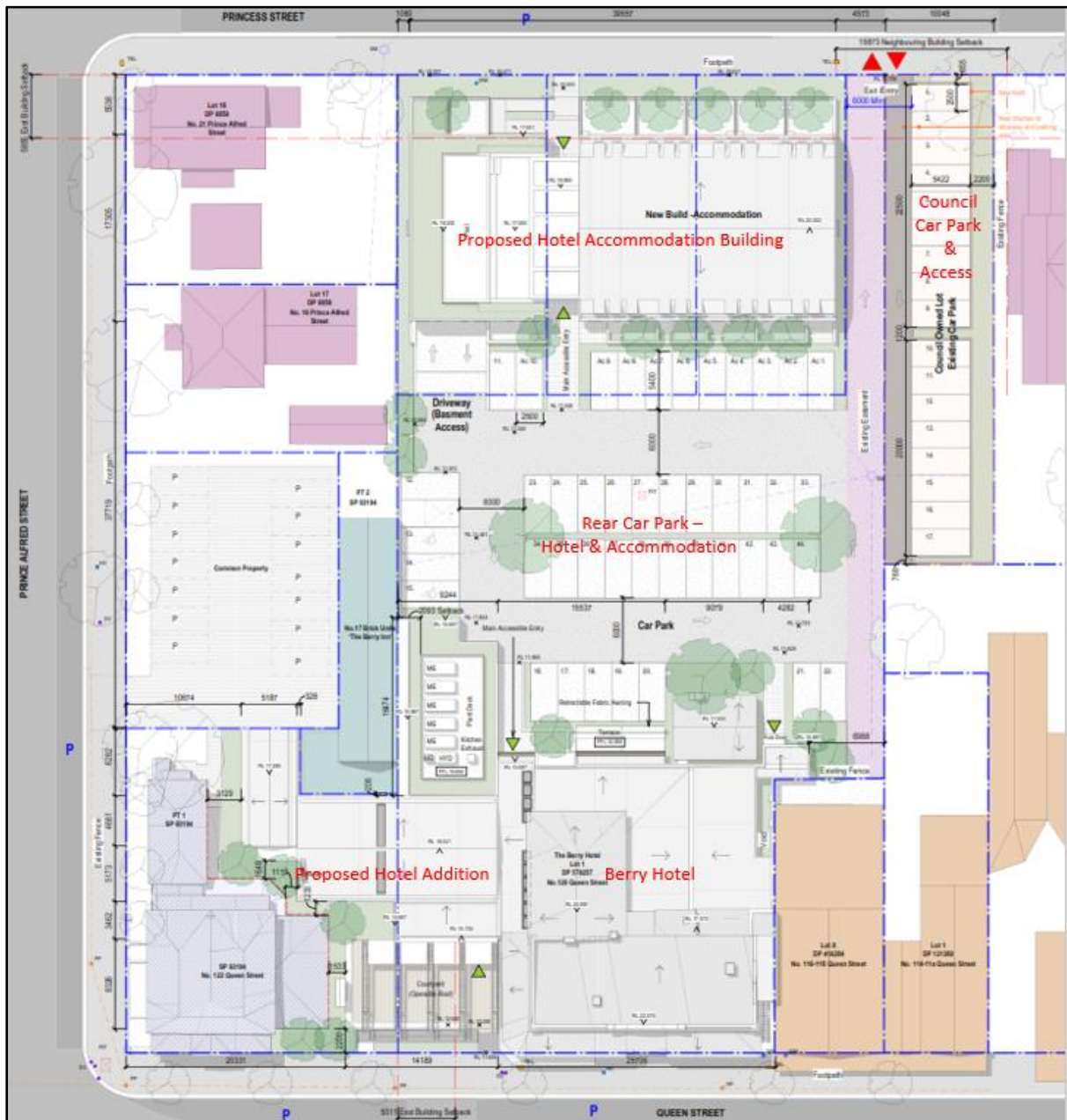
The proposed works on 77 Princess Street are consistent with the Berry Town Centre master plan contained in Shoalhaven DCP 2014.

The proposal involves:

- Demolition of the existing dwelling house, associated structures and removal of vegetation at 79-81 Princess Street;
- Internal and external demolition at the Ground and First Floor of the Berry Hotel building, demolition of the separate garage building, removal of existing vegetation/trees and rear parking area;
- Demolition of existing external works in the western/south-western part of 122 Queen Street, including swimming pool, paving, deck/ramp and removal of existing vegetation/trees (excluding trees to be transplanted);
- Internal and external alterations and additions to the Ground Floor of the Berry Hotel including reconfiguration and refurbishment of the existing spaces and conversion of the rear courtyard to internal space to provide upgraded lounge bar, lounge dining (opening onto front verandah), sports bar (opening onto new rear terrace), lounge, private dining and amenities;
- Minor internal and external alterations to the First Floor of the Berry Hotel including reconfiguration of spaces to provide back-of-house office and staff facilities, including new stair off Queen Street frontage at western end of frontage;
- New, contemporary single storey addition to the east of the Berry Hotel extending onto the western/south-western part of 122 Queen Street (part Lot 1 SP 93194) comprising bistro, bar, dining pavilion, kids play, kitchen and back-of-house facilities set behind a pergola covered outdoor dining area facing Queen Street;
- Use of part of 122 Queen Street as a *pub*;
- Construction of a new part 2, part 3 level hotel accommodation building (upper level designed as rooms in the roof) at 79-83 Princess Street containing 33 accommodation rooms (29.5sqm-45sqm), rooftop swimming pool and basement parking for 23 cars (incl. 2 x accessible spaces) with vehicular access off Princess Street via the rear car park;



- Provision of parking and access off Princess Street to the rear of the Berry Hotel and the new accommodation building and on 77 Princess Street (Lot 1 DP 209665), owned by Council. The rear carpark contains at-grade parking for 44 cars (incl. 2 x accessible), comprising 34 Hotel spaces and 10 accommodation spaces. Works on Council's land include new hardstand to access driveway and 17 x parking spaces, together with new kerb, associated line marking and drainage works;
- Consolidation of Lot 1 DP 578257 (existing Berry Hotel) with Lots 1-3 DP 342913 (79-83 Princess Street); and
- Site works and landscaping.



**Figure 2: Proposed Site Plan**

Source: H&E Architects; annotated by DC

No works/changes are proposed to:

- the existing building at 122 Queen Street or its approved use for office purposes;
- the Berry Inn at 17 Prince Alfred Street (part Lot 2 SP 93194); or
- the common property of SP 93194 (parking and access).

Proposed site landscaping comprises a mix of tree, shrub, groundcover and grasses plantings including around the proposed buildings and at entries, in the rear car park, along site boundaries and on the roof of the accommodation building and rear wing of the addition to the Berry Hotel. A mix of native and exotic species is proposed to maximise winter sun and summer shade within the buildings. Proposed tree removal is supported in the submitted Arborist's Report which notes that there is ample space to provide new tree plantings as part of the proposed development. Two existing trees are to be transplanted in accordance with the recommendations of the Arborist Report (see **Annexure 2**).

A revised and updated Plan of Management for the pub and accommodation is proposed (see **Annexure 7**) that incorporates the recommendations of the Acoustic Report (see **Annexure 8**) to address potential noise impacts associated with the proposed development. No change to hours of operation is proposed.

### Summary of Planning Assessment

Sections 4 and 5 of this Statement undertake an assessment of the Application as required using the heads of consideration under section 4.15(1) of the *Environmental Planning and Assessment Act 1979 (the EP&A Act)*.

That assessment identified the following key matters.

#### Height and Built Form

No change is proposed to the existing height of the Berry Hotel. The proposed addition is setback from the Queen Street frontage and has a single-storey contemporary design with varied roof forms so that it is subservient to and distinguishable from the heritage listed Berry Hotel and neighbouring 122 Queen Street (see also **Annexure 3**). The form and scale of the proposal will allow the heritage listed buildings to remain prominent in the streetscape.

A pergola covered outdoor area occupies the front setback and provides activation, a generous entry to the site and landscaping to the frontage and will effect an appropriate transition between the two heritage buildings. The proposal will make a positive contribution to the active frontage of Queen Street.

The design, form and scale of the proposed hotel accommodation building is considered to be compatible with and complementary to surrounding development in Princess Street.

The proposed accommodation building presents to Princess Street as a two storey building with rooms in the roof over the western part stepping up from two storeys at the eastern end. The proposed built form provides a transition from the rear of the neighbouring single storey dwelling house to the east (fronting Prince Alfred Street). The built form is further modulated by the indented entry, reinforced by the proposed façade detailing and materials.

The use of the mansard roof form over the western end moderates bulk and scale, together with the façade design and articulation, use of materials and fenestration. Landscaped front gardens/courtyards address the street front in a manner complementary to the residential setting.

While slightly in excess of the 8.5m LEP height standard, the maximum height of the proposed accommodation building is generally consistent with the recent two storey residential development to the west of the site and meets the underlying objectives of the standard (see

**Annexure 17).** The setback of the proposed hotel accommodation building from Princess Street is consistent with the setback of the neighbouring residential development to the west. While the ground level courtyards project into this setback, this is compatible with a residential streetscape.

The proposed development relates appropriately to the context and setting of the site, the existing buildings and its heritage significance (see **Annexure 3**). The Hotel and accommodation address both the street frontages and the rear car park with main pedestrian entries from both directions.

The proposed development, including the bulk, scale and roof form of the proposed new buildings, together with integrated landscaping, will complement the streetscapes of Queen Street and Princess Street and will contribute to the amenity and character of the town centre.

### **Heritage**

The submitted HIS (see **Annexure 3**) finds that the proposed development will have a very limited and acceptable impact on the heritage significance of the Berry Hotel and No. 122 Queen Street, both listed as heritage items under Shoalhaven LEP 2014, the surrounding Queen Street conservation area and heritage items in the vicinity.

Limited alterations are proposed to the original layouts and fabric of the Berry Hotel and the proposal will maintain the layers of character evident in the Hotel building.

The proposal will considerably improve the amenity of the Hotel and will provide new accommodation in a manner which minimises impacts on the significance of the site and surrounding area. The alterations and additions are well-planned and sympathetic.

The proposal is consistent with the heritage objectives and controls of the LEP and DCP.

### **Noise**

The submitted Acoustic Report (see **Annexure 8**) finds that the proposed development complies with applicable acoustic criteria subject to the implementation of the following management measures:

#### **Pub Operations:**

- All windows and doors to the sports bar, dining pavilion, lounge room and kids' play area should remain closed except as used for entry and exit.
- The lounge bar and bistro windows and doors may be open during daytime and evening hours only (7 am – 10 pm). The windows and doors to these areas should remain closed after 10 pm, except as used for entry and exit.
- The lounge dining windows and doors may remain open during all operating hours.
- The outdoor dining area should not be occupied by more than 80 people during daytime or evening hours.
- The outdoor dining area should not be occupied by more than 40 people after 10 pm.
- The sports bar terrace should not be occupied by more than 20 people during the daytime or evening hours.
- The sports bar terrace should not be occupied after 10 pm.
- The outdoor lounge dining area should not be occupied by more than 15 people at any time.
- During the early morning breakfast service (7am-10am), the sports bar, sports bar terrace and lounge will not operate;

**Hotel accommodation, carpark and deliveries operations:**

- The rooftop terrace/pool area should not be occupied by more than 12 people during the daytime and evening [0700 – 2200 hours].
- The rooftop terrace/pool area should not be occupied during the nighttime [2200 – 0700 hours].
- The accommodation room terraces should not be occupied after 10pm.
- All deliveries to the hotel should occur during the daytime [0700 – 1800 hours].
- Delivery trucks and cars should be advised not to idle stationary whilst parked on delivery items to the hotel.

A revised Plan of Management has been developed (see **Annexure 7**) that incorporates the above recommendations of the Acoustic Report.

In addition, the Acoustic Report recommends a range of physical measures that will be implemented as part of the proposed works.

Accordingly, the proposal will not give rise to adverse noise impacts to the surrounding area.

**Traffic and Parking**

As set out in the submitted Traffic Report (see **Annexure 9**), the proposed development is satisfactory with regard to traffic and parking matters.

The proposed development will not give rise to adverse traffic or parking impacts on the surrounding area.

**Residential Amenity, Management and Social Impacts**

The proposed development involves the expansion of the Berry Hotel through a new addition to its east, together with new hotel accommodation in a new building on the Princess Street frontage. No changes are proposed to the existing hours of operation of the pub as part of the proposal.

The proposed development is planned and designed to minimise conflict with surrounding residential development through site-planning, the distribution of activities, and the use of separation and screening. The more active *pub* use is contained to the Queen Street frontage while the hotel accommodation provides for a use compatible with residential and other development in Princess Street. The car park within the centre of the site provides for separation between uses on the site and surrounds. The design of the proposed development is consistent with CPTED principles (see **Annexure 10**).

Potential external impacts on residential amenity arising from the proposal are appropriately addressed. In particular, potential noise impacts associated with the proposal are addressed through management and physical design measures as recommended in the Acoustic Report to ensure that the proposed development will comply with the applicable noise criteria (see **Annexure 8**). The revised Plan of Management (see **Annexure 7**) includes the recommendations of the Acoustic Report.

In addition, the proposal has been designed to minimise visual privacy impacts and will not result in excessive overshadowing (see **Annexure 5**).

The proposed development will be operated by an experienced team which will implement the Plan of Management to ensure that it is appropriately managed. In this regard, all relevant harm mitigation and responsible service and consumption of liquor provisions will be followed. The practices and procedures in the Plan of Management (see **Annexure 7**) will also ensure

that the Hotel and hotel accommodation minimise impacts on the surrounding area and ensures the safety of patrons and visitors (see also **Annexure 10**).

In addition, the proposed development will provide benefits to the local community, including upgraded leisure facilities with a strong focus on food and high quality fit-out as well as additional employment. The proposal will support the visitor economy of Berry through the upgrade of the Hotel, together with new accommodation in an accessible town centre location.

Accordingly, the proposed development will not result in significant adverse impacts on the amenity of the area, including nearby residential development. The implementation of the Plan of Management will mitigate potential social and amenity impacts associated with the operation of the proposed development.

### Key Benefits

Key benefits of the proposal are:

- The proposal involves alterations and additions to the Berry Hotel in a manner which is consistent with the heritage significance of the building, 122 Queen Street and the town centre generally and will maintain and enhance the contribution of the Hotel to the streetscape and surrounding area. The proposal will significantly improve the amenity of the Hotel while maintaining its built character with limited alterations to original layouts and fabric;
- The proposed addition to the Hotel is a low-scale contemporary addition, sited and designed to be subservient to the heritage Hotel and 122 Queen Street, while providing new and upgraded facilities for visitors to the site;
- The proposed new hotel accommodation will provide for a use that is suitable for the town centre location while also being compatible with surrounding residential development. The proposed built form is compatible with the residential streetscape of Princess Street, having the appearance of a two storey building with rooms in the roof and landscaping to the frontage;
- The proposed upgrade of the Berry Hotel and provision of new hotel accommodation on the site will support the local and visitor economies of Berry and contribute to the amenity of the town centre;
- The proposal will not give rise to adverse noise impacts on the surrounding area and will meet applicable acoustic criteria subject to the implementation of the recommended measures set out in the Acoustic Report and included in the Plan of Management;
- The proposed development is designed to minimise conflict with surrounding residential development through site-planning and design, distribution of activities, addressing potential for noise, loss of visual privacy and minimising overshadowing;
- The existing hours of operation of the Hotel are maintained. The implementation of the revised Plan of Management will ensure that social and amenity impacts associated with the operation of the Hotel and accommodation will be appropriately mitigated; and
- Delivery of upgraded parking and access infrastructure including on 77 Princess Street, owned by Council, to support the town centre in accordance with the Shoalhaven DCP.

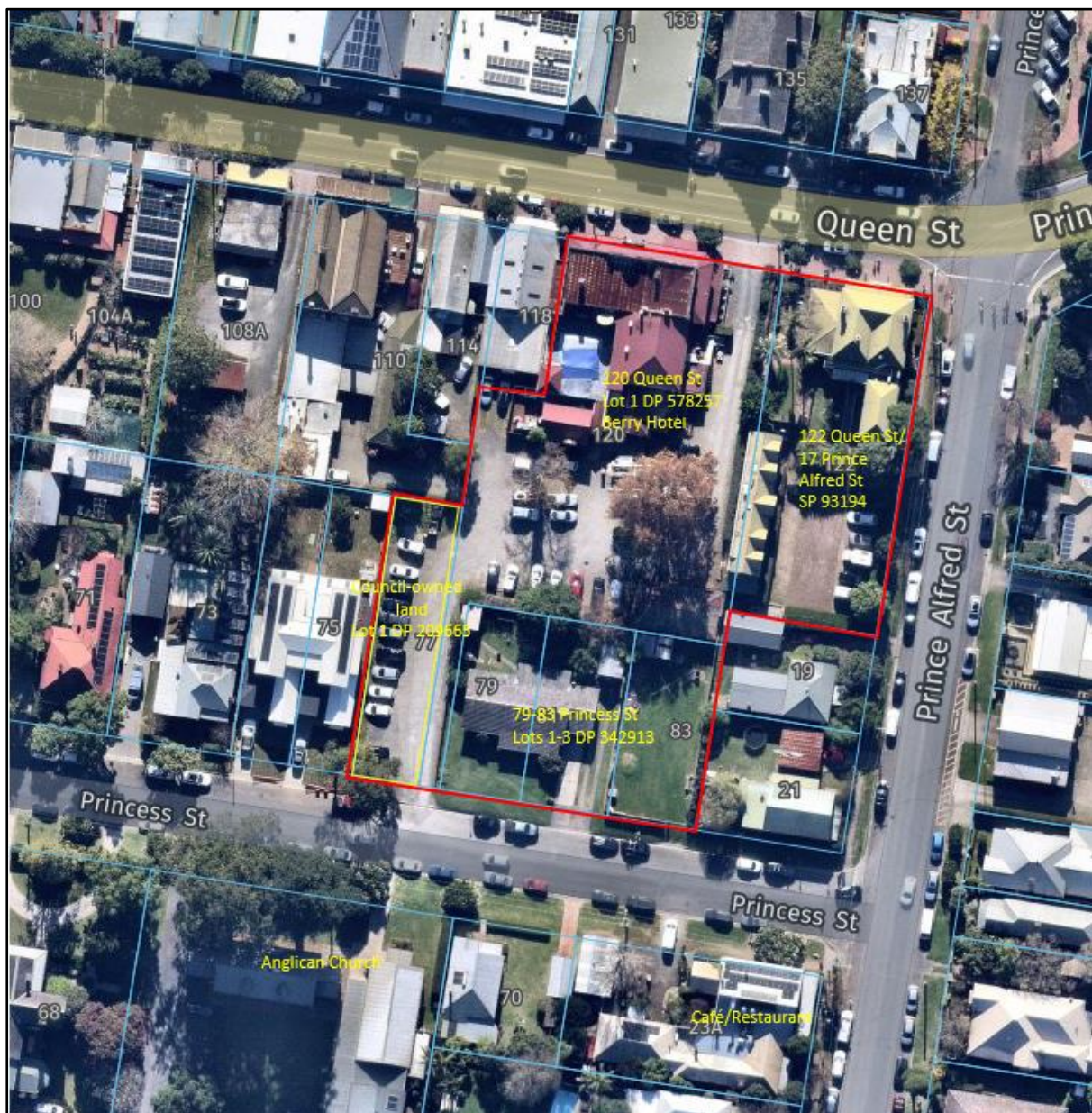
This Statement concludes that there are no sound town planning reasons why development consent should not be granted to the Application as proposed.

## 2. Site and Surrounding Area

### 2.1 The Site

The Subject Site is located at 120 Queen Street, 122 Queen Street (aka 17 Prince Alfred Street), and 77-83 Princess Street, Berry and occupies land legally described as Lot 1 DP 578257, SP 93194, Lots 1-3 DP 342913 and Lot 1 DP 209665. It is located at the south-western corner of Queen and Prince Alfred Streets and also has frontage to Princess Street to the south (see **Figure 3**).

The site includes the parcel of land owned by Council at 77 Princess Street (Lot 1 DP 209665) as works are also proposed on that lot to provide access and formalise the parking consistent with the Berry Town Centre plan in Shoalhaven DCP 2014 (see further below).



**Figure 3: Detailed Location** (subject site shown edged red; Council-owned land edged yellow)  
Source: nearmap.com

The site is irregular in shape and has a total area of 4,992sqm (excluding Lot 2 SP 93194 and parking forming part of Lot 1 SP 93194) (see **Annexure 1**). It has a frontage of 60.16m to Queen Street to the north, 30.1m to the Prince Alfred Street (excluding CP/parking) to the east and 55.32m to Princess Street to the south (including Council-owned lot). The site is relatively flat.

Details of each of the parcels making up the site are summarised in **Table 1** below.

Table 1 – Summary of Site Details			
Address	Lot and DP	Existing Development	Area (sqm)
120 Queen St	Lot 1 DP 578257	Berry Hotel	2631
122 Queen St	SP 93194 (formerly Lot 101 DP 1218680)  Lot 1 – former bank building, surrounding yard and 7 car spaces  Lot 2 – accommodation building, adjoining small yard and 7 car spaces  CP – carpark access/driveway and 1 disabled parking space	Commercial and accommodation	1402.3 Lot 1 – 799 Lot 2 – 314 CP – 289.3
77 Princess St	Lot 1 DP 209665 (owned by Council)	Gravel surface access driveway and public car parking	455.3
79 Princess St	Lot 3 DP 342913	Dwelling house (part of 81)	404.7
81 Princess St	Lot 2 DP 342913	Dwelling house (part of 79)	404.7
83 Princess St	Lot 1 DP 342913	vacant	404.7

The submitted Arboricultural Impact Assessment Report (see **Annexure 2**) indicates that there are some 41 existing trees and other landscaping on the site and immediately adjoining public and private land. The Arboricultural Impact Assessment Report provides a description and assessment of the existing vegetation (see further in Section 3.8.5, below).

### 2.1.1 120 Queen Street – the Berry Hotel – Lot 1 DP 578257

The Berry Hotel is a part one, part two storey building sited on the frontage to Queen Street. The Hotel building abuts the western site boundary. A separate garage is located in the south-eastern corner of the lot.

Vehicular access to the Hotel lot is provided off Queen Street adjacent the eastern lot boundary and off Princess Street adjacent the western site boundary to an unmarked parking area to the south of the Hotel building providing some 23 informal spaces. The rear car park contains 9 trees and hedge plantings.

The Ground floor contains the public areas of the Hotel comprising the main bar with external deck to the east, café/dining rooms including Queen Street verandah and covered courtyard (with stage), sports bar/TAB, indoor/outdoor gaming room and amenities, together with back-of-house facilities including a kitchen and storage areas.

At the First Floor are accommodation rooms with shared bathroom facilities and an office.

The Hotel building has a height of 10.52m from the ground floor to the roof top parapet (RL 22.57) facing Queen Street.

The Hotel lot is subject to a Right Of Carriageway 3.66m wide along the western site boundary which benefits the land to the west owned by Council (Lot 1 DP 209665).

The Hotel is listed as heritage item No. 87 under Shoalhaven LEP 2014 and is within Heritage Conservation Area C6 – Queen Street.

The Heritage Impact Statement (HIS) prepared for the proposed development contains the following Statement of Significance for the Hotel (see **Annexure 3**):

*The Berry Hotel is an interesting, though heavily modified, example of a two storey, late Victorian, hotel now in a hybrid, Inter War Romanesque style overlaid on its original Victorian detail. The hotel was constructed in 1888 for Jonathon Goldsmith Lambert and built by contractors WT Isley and Sone and may have been designed William Alfred Isley.*

*The front section of the hotel retains some of its early fabric and the rear kitchen but the rear section has been altered. The hotel is prominent in the local streetscape and is a well-known local landmark but has rather humdrum facades. The interiors retain some their Victorian charm.*

*The hotel signals the early, development of the Berry township anticipating the coming of the railway in 1893. The hotel was the site of the first licensed premises in Berry.*

*The place is likely to be held in high regard by the local community. (p. 43)*

### Operational Details

The pub operates under a hoteliers licence (LIQH400119917) under the Liquor Act 2007 (see **Annexure 4**).

The licensed hours of operation are:

- For the whole of premises excluding the outdoor deck and eating area on Queen Street – 5am – 2am Mon-Sat, 6am-12 midnight Sun; and
- For other areas – 5am – 12 midnight Mon-Sat, 6am – 12 Midnight Sun.

The Hotel operates in accordance with an approved Plan of Management dated 29 December 2020 (see **Annexure 4**).

The Hotel is subject to a minors authorisation and minors are permitted throughout the premises, excluding the gaming and snooker table area.

Details of any complaints relating to the pub operations were sought from Shoalhaven Council for the last five years. There have been no complaints relevant to this application during that period.

## 2.1.2 122 Queen Street/17 Prince Alfred Street – SP 93194

122 Queen Street is a two storey former bank building situated on the Queen Street frontage and along the frontage to Prince Alfred Street with associated gardens and a swimming pool to its south-west (part Lot 1 SP 93194). The building is used for commercial office purposes.





To the rear of the parcel is the Berry Inn, known as 17 Prince Alfred Street, situated on the western boundary (part Lot 2 SP 93194). The Berry Inn is a former stables building which has been converted to tourist accommodation containing 6 units and a manager's residence.

A parking area accessible off Prince Alfred Street is situated in the south-eastern part of the parcel. It contains 15 car spaces with 7 spaces allocated to each lot in the SP and one shared disabled parking space.

The parcel is listed as heritage item No. 88 under Shoalhaven LEP 2014 and is within Heritage Conservation Area C6 – Queen Street. The Heritage Impact Statement (HIS) prepared for the proposed development contains the following Statement of Significance (see **Annexure 3**):

*The former CBC Bank is an example of a two storey, late Victorian bank completed in 1890 for the Commercial Banking Company of Sydney and designed by Mansfield Brothers, architects who worked extensively for the Bank.*

*The place is most closely associated with the Commercial Banking Company of Sydney that was established in 1834 and is also associated with Mansfield Bros, architects a well-known and highly regarded practice that worked extensively for the Bank.*

*The Bank is a lovely essay in the Victorian Italianate/Free Classical style building that has very well detailed elevations including an imposing front verandah and entry porch.*

*The Bank signals the burgeoning development of the Berry township anticipating the coming of the railway in 1893.*

*The place is likely to be held in high regard by the local community. (p. 47)*

As noted above, no works are proposed to either of the existing buildings on this part of the site or to the common property (parking and access).

### 2.1.3 79-83 Princess Street – Lots 1-3 DP 342913

79-81 Princess Street is occupied by a single dwelling house with separate garage, small outbuilding and several trees.

83 Princess Street is vacant.

### 2.1.4 77 Princess Street – Lot 1 DP 209665

77 Princess Street is owned by Council and contains gravel surfaced driveway access and unmarked, informal public car parking for some 16 cars perpendicular to the western boundary.

## 2.2 Surrounding Area

The site is located in the Berry Town Centre which extends along Queen Street, primarily to the west of the site. 122 Queen Street forms one of the gateways to the town centre. Development within the centre comprises a mix of older style and historic 1-2 storey buildings comprising a mix of attached shop buildings and detached buildings. The centre contains a mix of shops, food and drink premises (cafes, restaurants, pub), boutiques, other business uses and services. There are a number of heritage items within the town centre and the block between Prince Alfred Street and Alexandra Street is within the Queen Street heritage conservation area.

The heritage listing sheet for the town centre HCA includes the following:

The Berry Town Centre HCA contains many significant buildings that demonstrate the key characteristics of the Victorian, Federation and Inter-War periods. These buildings produce an aesthetically pleasing streetscape consisting of a few key historic types of architecture that visually holds the precinct together despite the number of later infill buildings. Two storey Victorian buildings bookend the HCA at either end helping to define and strengthen its historic character. Smaller Federation and Inter-war shops and commercial buildings provide historic evidence of the vernacular character of the smaller less prestigious shops. The juxtaposition of these shops with the larger more elaborate former bank buildings visually demonstrates the economic and social hierarchy of the time.

...

The Queen Street HCA is a fine representative example of a village centre which evolved from the late 19th century. The Town Centre contains an excellent collection of buildings and features which represent the Victorian, Federation and Inter-war periods.

Council's proposals for the Berry Town Centre are contained in Chapter N2 of the Shoalhaven DCP 2014. An extract from the supporting map for the Berry Town Centre showing proposals on the block containing the subject site is below in **Figure 4**. As shown below, part of Council's car park adjoins to the west of the site of the Berry Hotel and is accessed from the Princess Street frontage via a shared accessway. As noted above, the parking and access on that land has been implemented but is sought to be formalised (with hardstand and line-marking etc) as part of the proposed works.



**Figure 4: Shoalhaven DCP Proposals for the Berry Town Centre – block containing the subject site**  
 Source: Chapter N2 of Shoalhaven DCP 2014, supporting map

The larger surrounding area is characterised by residential development, primarily single dwelling houses, 1-2 storeys in height, together with some tourist accommodation development.

The site adjoins existing retail/commercial development on the Queen Street frontage and residential development in Prince Alfred Street to the east and on the Princess Street frontage further to the west. Development opposite the site in Princess Street is mixed with a licensed café/restaurant at the corner of Prince Alfred Street and Princess Street, a Church opposite the site, as well as residential development (see **Figure 2**).

Parking is available on site to the rear of the Hotel building and on the land owned by Council as well as surrounding streets. Time-limited parking is available on Queen Street and Prince Alfred Street with unrestricted parking in Princess Street.

## 2.3 LEP Mapping

The Subject Site is zoned 'E1 – Local Centre', 'SP2 – Infrastructure - Car Parking and Servicing' and 'R2 – Low Density Residential' under Shoalhaven LEP 2014. The site contains **two heritage items** (Nos 87 and 88) and is partly within the **Queen Street heritage conservation area (C6)**.

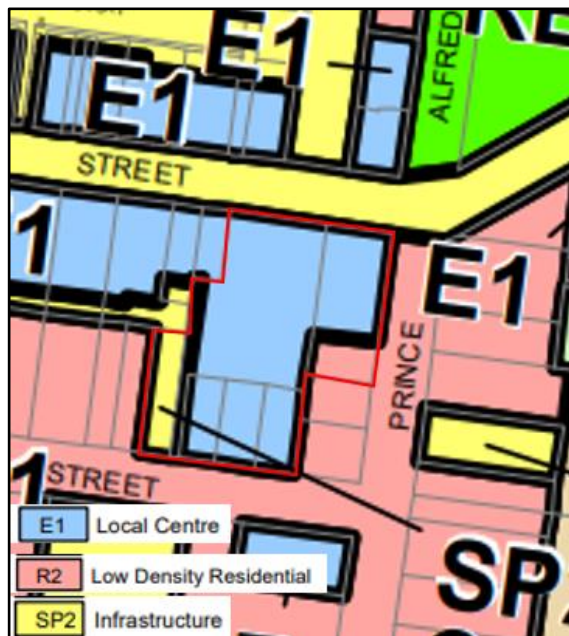


Figure 5: Zoning (subject site shown edged red)



Figure 6: Height (subject site shown edged red)

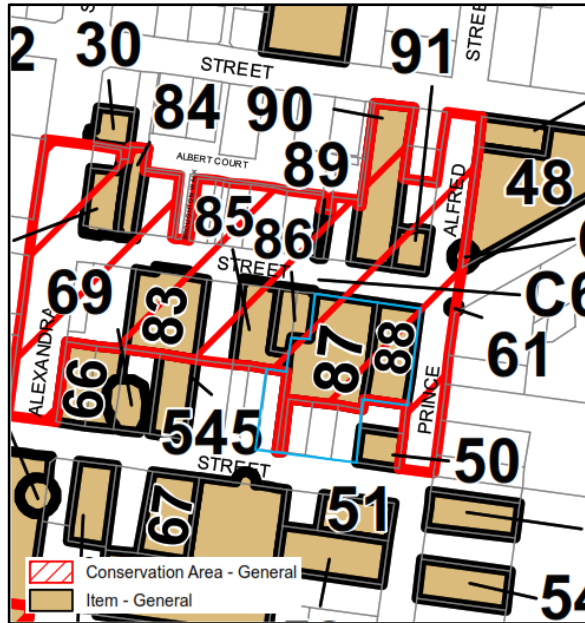


Figure 7: Heritage (subject site shown edged blue)



Figure 8: Minimum Lot Size (subject site shown edged red)

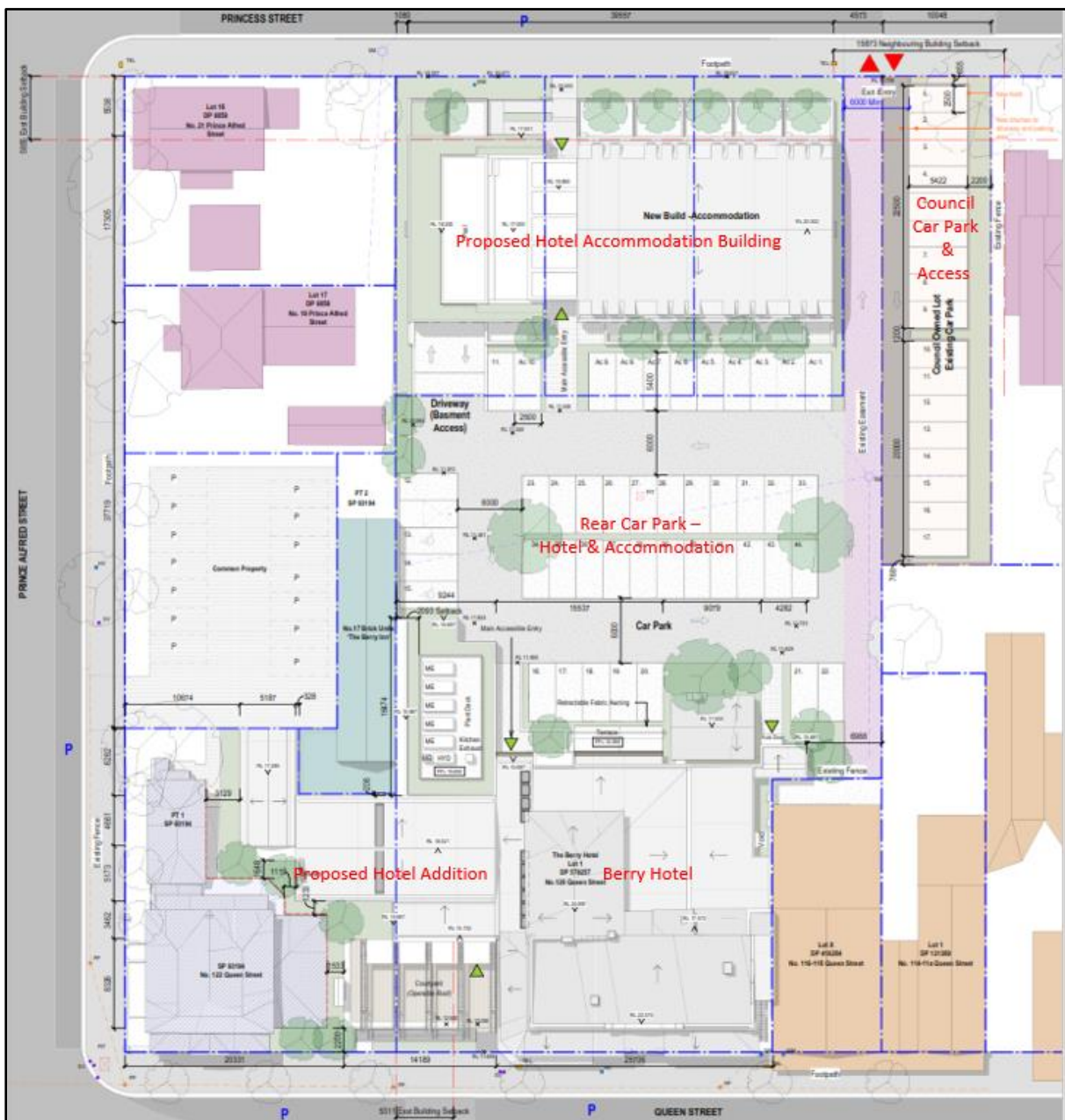
Table 2 – LEP Mapping Summary	
Planning Layer	Control
Zoning	E1 Local Centre SP2 Infrastructure – Car Parking and Servicing R2 Low Density Residential
Height of building	8.5m
Heritage	120 Queen St – Item No. 87 – Two storey Victorian Hotel and detached kitchen including <i>Acmena smithii</i> (Lilly Pillies – 2) 122 Queen Street – Item No. 88 – Former CBC bank including fence and trees Conservation Area – C6 – Queen Street (properties on Princess Street frontage excluded – see <b>Figure 6</b> ) In the vicinity of many other heritage items
Minimum Lot Size	Applies to land zoned R2 – 500sqm

### 3. The Application

This Application seeks consent for alterations and additions to the Berry Hotel at 120 Queen Street, Berry, expansion of the Berry Hotel onto 122 Queen Street, construction of new hotel accommodation at 79-83 Princess Street, consolidation of 4 lots and associated parking and landscaping, together with works on 77 Princess Street, owned by Council (Lot 1 in DP 209665) to provide access and to formalise the existing parking (see **Figure 9**).

The proposal does not include any works to the existing commercial building at 122 Queen Street or the Berry Inn at 17 Prince Alfred Street, Berry (which together comprise SP 93194) or to its common property.

The proposed works on the Council-owned land (Lot 1 in DP 209665) to formalise access/parking infrastructure is in accordance with the Berry Town Centre master plan contained in Shoalhaven DCP 2014, as shown above in **Figure 4**.



**Figure 9: Proposed Site Plan**  
 Source: H&E Architects; annotated by DC

The purpose of the proposal is to improve, upgrade and extend the facilities currently provided at the Berry Hotel in a manner consistent with the heritage significance of the site and surrounds and to provide new, high-grade hotel accommodation and new access and parking infrastructure. Together, the proposed development will serve the needs of the local community and visitors to Berry and the wider region.

The proposed development will facilitate the operation of the Hotel as a family-friendly hotel, upgraded and expanded to provide improved amenity, with a strong focus on its food and dining offering to support the community and tourism functions of Berry, in association with the new accommodation.

The proposal involves:

- Demolition of the existing dwelling house, associated structures and removal of vegetation at 79-81 Princess Street;
- Internal and external demolition at the Ground and First Floor of the Berry Hotel building, demolition of the separate garage building, removal of existing vegetation/trees and rear parking area;
- Demolition of existing external works in the western/south-western part of 122 Queen Street, including swimming pool, paving, deck/ramp and removal of existing vegetation/trees (excluding trees to be transplanted);
- Internal and external alterations and additions to the Ground Floor of the Berry Hotel including reconfiguration and refurbishment of the existing spaces and conversion of the rear courtyard to internal space to provide upgraded lounge bar, lounge dining (opening onto front verandah), sports bar (opening onto new rear terrace), lounge, private dining and amenities;
- Minor internal and external alterations to the First Floor of the Berry Hotel including reconfiguration of spaces to provide back-of-house office and staff facilities, including new stair off Queen Street frontage at western end of frontage;
- New, contemporary single storey addition to the east of the Berry Hotel extending onto the western/south-western part of 122 Queen Street (part Lot 1 SP 93194) comprising bistro, bar, dining pavilion, kids play, kitchen and back-of-house facilities set behind a pergola covered outdoor dining area facing Queen Street;
- Use of part of 122 Queen Street as a *pub*;
- Construction of a new part 2, part 3 level hotel accommodation building (upper level designed as rooms in the roof) at 79-83 Princess Street containing 33 accommodation rooms (29.5sqm-45sqm), rooftop swimming pool and basement parking for 23 cars (incl. 2 x accessible spaces) with vehicular access off Princess Street via the rear car park;
- Provision of parking and access off Princess Street to the rear of the Berry Hotel and the new accommodation building and on 77 Princess Street (Lot 1 DP 209665), owned by Council. The rear carpark contains at-grade parking for 44 cars (incl. 2 x accessible), comprising 34 Hotel spaces and 10 accommodation spaces. Works on Council's land include new hardstand to access driveway and 17 x parking spaces, together with new kerb, associated line marking and drainage works;
- Consolidation of Lot 1 DP 578257 (existing Berry Hotel) with Lots 1-3 DP 342913 (79-83 Princess Street); and
- Site works and landscaping.

No works/changes are proposed to:

- the existing building at 122 Queen Street or its approved use for office purposes;
- the Berry Inn at 17 Prince Alfred Street (part Lot 2 SP 93194); or

- the common property of SP 93194.

The proposed development is illustrated in the plans prepared by H&E Architects (see **Annexure 5**) and landscape plans prepared by Site Design + Studios (see **Annexure 6**).

### 3.1 Consolidation

It is proposed to consolidate the lots containing the existing Berry Hotel (Lot 1 DP 578257) and proposed accommodation (Lots 1-3 DP 342913) into one lot. The proposed lot has an area of 3,845.1sqm.

### 3.2 Alterations and Additions to the Berry Hotel and new single storey addition extending onto 122 Queen Street; use of part of 122 Queen Street as a pub

As noted above, the proposed alterations and additions to the Ground Floor of the Berry Hotel (RL 12.05) include (see **Figure 10**):

- demolition of parts of the existing fabric;
- reconfiguration and refurbishment of the existing spaces and conversion of the rear courtyard to internal space;

to provide:

- lounge bar and lounge dining (opening onto front verandah);
- sports bar with fireplace opening onto new rear terrace;
- lounge with new rear entry;
- private dining room;
- amenities; and
- new stair to First Floor at western end of Queen Street frontage.



**Figure 10: Extract from proposed Ground Floor Plan – Berry Hotel and addition**

Source: H&E Architects







**Figure 12: Extract from proposed North Elevation – Berry Hotel and addition**

Source: H&E Architects

The proposed addition is sited to provide separation of between 1.1m – 3.1m from the western and southern elevations of the existing building on 122 Queen Street. It is also sited to wrap around the boundary with the Berry Inn with setbacks of between 200mm-900mm from the common boundary. The main E-W ridge of the proposed addition reaches a height of RL 18.521 (RL 18.821 to the top of the dining room chimney) with the flat-roofed rear wing containing back-of-house facilities reaching RL 15.687 to the roof parapet (RL 17.15 to screen around plant) and the kids play room pavilion at the eastern end reaching RL 17.286 to the N-S roof ridge.

The pergola covered outdoor dining area is setback 2.2m from the Queen Street frontage. The pergola reaches a height of RL 15.687 and the chimney reaches RL 16. New landscaping is proposed to the frontage and between the proposed addition and No. 122 Queen Street to provide separation, a setting for the proposed development and integration into the streetscape.

As noted above, new main entries to the Hotel via the proposed addition provide for a through-site link from Queen Street to the rear carpark consistent with the DCP.

A loading dock and waste facilities for the Hotel are proposed in the rear wing of the proposed addition, accessible directly from the proposed car park.

### **Use of 122 Queen Street as a Pub**

The proposal involves the expansion of the Berry Hotel onto 122 Queen Street (part Lot 1 SP 93194) and consent is also sought for the use of that lot as a *pub*.

The existing approved use of 122 Queen Street for office purposes (DA 2012/2136) is not affected by the proposal and that use, including associated parking, will continue. The utilisation of the garden area of the existing building for the proposed pub use will have no effect on the office use of the building.

## **3.3 New Hotel Accommodation Building, including Basement Parking**

The proposed new hotel accommodation building is situated on the southern part of the site fronting Princess Street (see **Figure 13**). The building has been designed primarily as a two storey building with a mansard-style roof, providing 3 levels of accommodation. At its eastern end, the building has two levels with a swimming pool and terrace for the use of accommodation guests on its roof. Landscaping to the roof edges prevents overlooking to the neighbouring dwelling houses (see **Figure 14**).



Figure 13: Extract from proposed Ground Floor Plan – hotel accommodation

Source: H&E Architects

The accommodation building is set back from Princess Street by 5.89m at Ground level, generally consistent with neighbouring residential development to the west with an additional setback to the entry. It is setback 1.08m from the eastern site boundary and 4.56m from the western boundary of the Hotel lot. Courtyards for the proposed Ground floor accommodation rooms project into the street setback by 3.48m with associated courtyard fencing setback 2.06m from the site frontage.

The accommodation building reaches a maximum height of RL 20.302 to the mansard roof top, with the eastern end of the building reaching RL 17.601 to the parapet around the proposed swimming pool stepping up to RL 19.85 to the roof over the roof-top terrace and indented entry.

Reflecting the built form stepping away from the east, the upper Attic level is setback some 10.9m from the eastern side boundary (to the roof top pergola) (see **Figure 14**). The rooftop swimming pool (RL 18.2 to the top of the pool surround) is setback 4.13m from the eastern edge of the roof and some 1.7m from the northern edge with rooftop landscaping proposed to those setbacks to prevent overlooking to the neighbouring properties to the east (see **Figures 14 and 16**). The rooftop is accessed from the Attic level or via the stairs from the entry/reception below.



**Figure 14: Photomontage – hotel accommodation**  
Source: H&E Architects

The Ground floor (RL 11) contains a reception/lobby, 11 north- and south-facing accommodation rooms (each with ensuite and one with kitchenette), a staff laundry, lift and stairs (see **Figure 13**). The accommodation rooms vary between 28.5sqm and 45sqm. Each of the accommodation rooms has access to a private landscaped courtyard/terrace facing either Princess Street or the car park/Berry Hotel.

Level 1 (RL 14) contains 15 accommodation rooms (each with ensuite) (29.5sqm – 37sqm), storage, lift and stairs (see **Figure 15**).



**Figure 15: Extract from proposed First Floor Plan – hotel accommodation**  
Source: H&E Architects

The Attic Level (RL 17) contains 7 accommodation rooms (each with ensuite and 6 with kitchenette facilities) (33-40sqm), plant, lift and stairs (see **Figure 16**).



**Figure 16: Extract from proposed Attic Floor Plan – hotel accommodation**  
Source: H&E Architects

The proposed accommodation building contains 3 accessible rooms (see **Annexure 11**). Accessible entries are proposed from the Princess Street frontage and the rear car park with lift access to the basement and upper levels.

The Basement level (RL 8) contains parking for 23 cars (incl. 2 accessible spaces), storage and plant, lift and stairs (see **Figure 17**). The basement is accessed from the north via a driveway at the eastern end of the building from Princess Street and the rear car park.



**Figure 17: Extract from proposed Basement Level Plan**  
Source: H&E Architects

### 3.4 Parking and Access, including works on Council-owned land

Parking for the proposed development is proposed in a new at-grade parking area between the Berry Hotel and new accommodation building (see **Figure 9**) and at the basement level of the new accommodation building (see **Figure 17**).

The rear car park contains parking for 44 cars (incl. 2 x accessible), comprising 34 Hotel spaces and 10 accommodation spaces. As noted above, the basement car park contains 23 spaces (including 2 x accessible spaces) for the use of the accommodation rooms.

Access is proposed off Princess Street (partly via Lot 1 DP 209665 owned by Council). Proposed works on Council's land include new hardstand to the access driveway and 17 x parking spaces, together with new kerb, associated line marking and drainage works to formalise the current gravel surface access way and parking spaces (see **Figure 13**).

A loading dock and waste storage room are proposed in the rear wing of the proposed Hotel addition accessible from the proposed rear car park. All deliveries will occur during the day (7am-6pm) in accordance with the recommendations of the Acoustic Report (see **Annexure 8**).

### 3.5 Landscaping

Landscaping is proposed on the site as shown on the Landscape plans (see **Annexure 6**), including proposed roof top plantings on part of the Hotel addition and the hotel accommodation building (see **Figures 18-19**).

The proposal includes the removal of a number of trees and existing vegetation throughout the site. The removal of these trees is supported in the submitted Arborist's Report which notes that there is ample space to provide new tree plantings as part of the proposed development (see **Annexure 2** and Section 3.8.5, below).

Proposed landscaping comprises a mix of tree, shrub, groundcover and grasses plantings including a mix of native and exotics species as shown on the proposed plans. Two existing trees are to be transplanted in accordance with the recommendations of the Arborist Report (see **Annexure 2**). New plantings are proposed:

- On the Queen Street frontage and between the proposed addition and the existing building at 122 Queen Street;
- At the rear of the Berry Hotel adjoining and highlighting entries;
- Within the rear carpark, including large central tree plantings and boundary plantings;
- Around the accommodation building to the Princess Street frontage and at entries, within ground level courtyards, boundary hedge plantings; and
- Roof plantings on part of the Hotel addition around the roof-top plant deck and the hotel accommodation building around the proposed swimming pool.

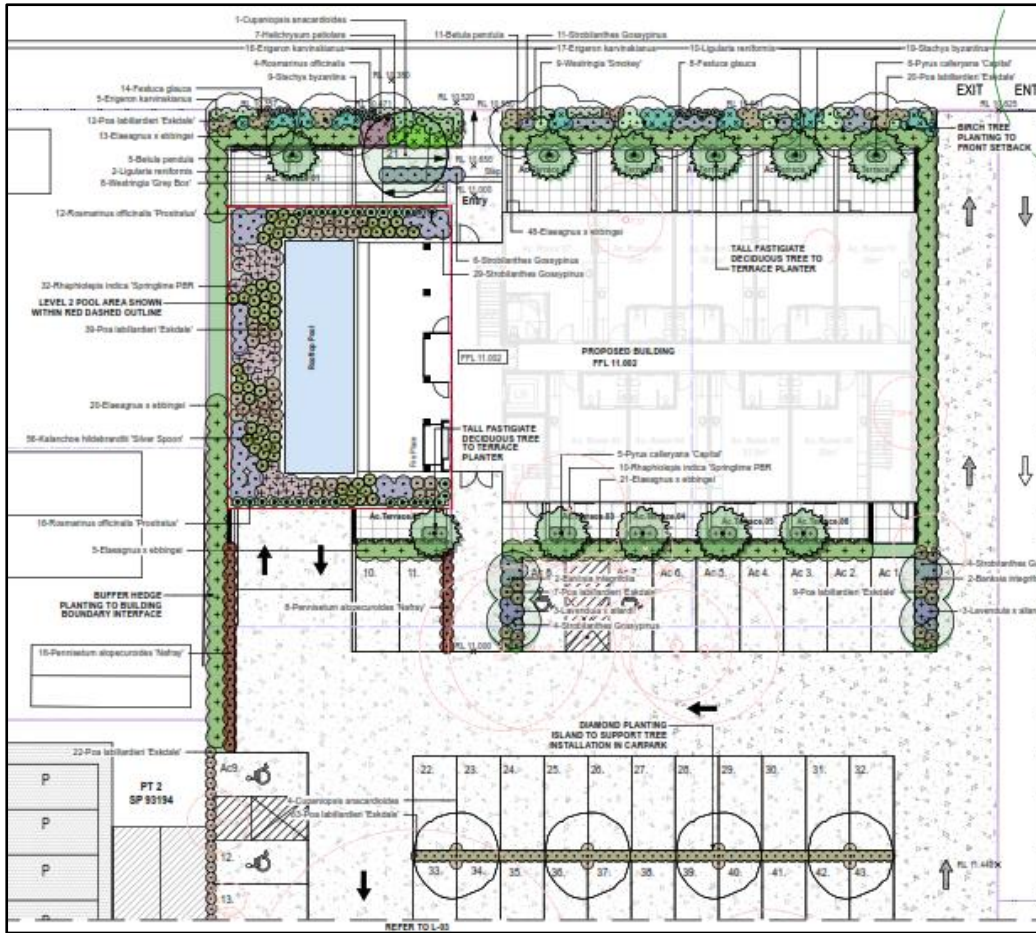


Figure 18: Extract from proposed Landscape Plan – hotel accommodation and car park  
Source: H&E Architects

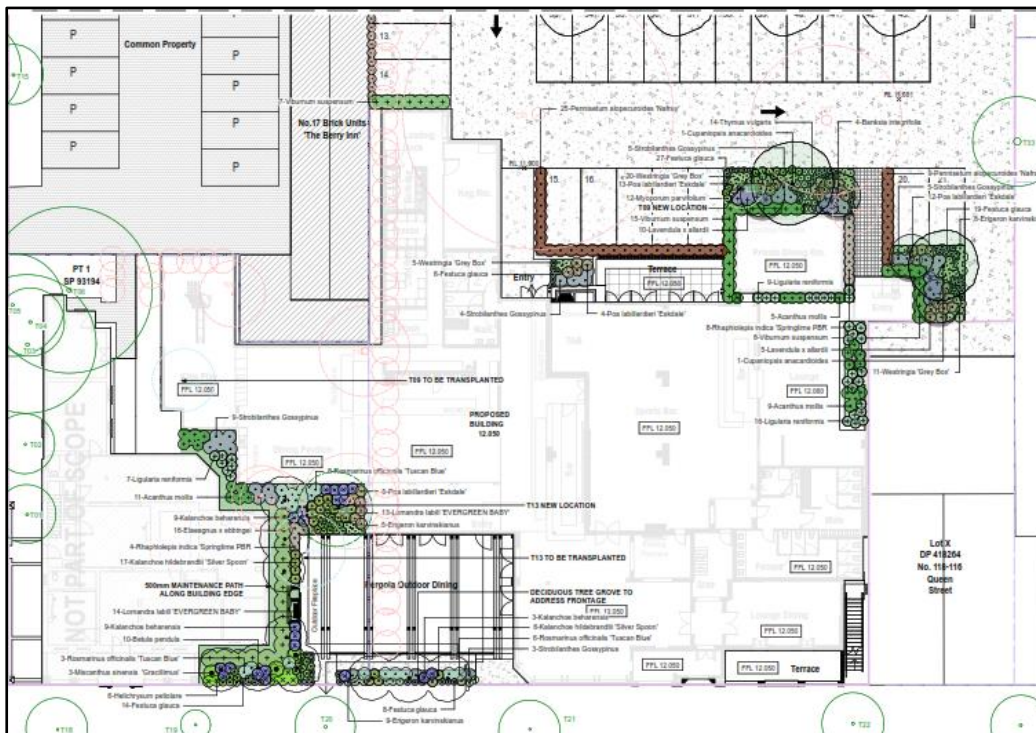


Figure 19: Extract from proposed Landscape Plan – Berry Hotel and car park  
Source: H&E Architects

## 3.6 Operational Matters

### 3.6.1 Berry Hotel

The enlarged and upgraded Berry Hotel will have a focus on food and dining and will provide new and refurbished leisure and dining facilities to serve the local community and support the visitor economy of Berry. For the most part, the existing operational characteristics of the Hotel will be maintained in accordance with its existing consents and licence (see **Annexure 4**). In particular, no changes are proposed to the existing hours of operation of the Hotel.

The overall maximum capacity of the Hotel is 470 persons, comprising 450 patrons and 20 staff (see **Annexure 12**). The maximum capacity of each part of the Hotel is as follows (see **Annexure 8**):

- Sports bar – 100 patrons;
- Lounge bar and dining – 105 patrons;
- Lounge terrace – 15 patrons;
- Bistro and dining pavilion – 80 patrons;
- Pergola outdoor dining – 80 patrons;
- Sports bar terrace – 20 patrons; and
- Private dining room – 30 patrons.

In accordance with the recommendations of the Acoustic Report (see Section 3.8.3 below and **Annexure 8**), patron capacities will vary throughout day and night operations:

- During the early morning breakfast service (7am-10am), the sports bar, sports bar terrace and lounge will not operate;
- At night (10pm-12 midnight), the sports bar terrace will not be used; and
- At other times (10am-10pm), all areas of the Hotel will operate.

The Hotel will be managed in accordance with a revised Plan of Management (see **Annexure 7**) which includes the recommended noise controls in the Acoustic Report.

### 3.6.2 Hotel Accommodation

All procedures relating to the operation of the proposed hotel accommodation will be overseen by the licensee and management of the Hotel including check-in, check-out, servicing of rooms and other related matters.

The maximum occupancy of each room will generally be restricted to 4 patrons excluding minors.

A standard check-in time of 2pm and check-out time of 10.30am will apply for the accommodation rooms.

Access to the accommodation rooms will be via key, 4 digit pin or swipe access.

Access to the basement carpark will be provided to hotel guests as part of the check-in procedures. Only vehicles registered to stay at the hotel will be permitted to park underneath. Only 1 vehicle will be permitted for each room.

Rooms will be cleaned daily when occupied and otherwise as required.

In accordance with the recommendations of the Acoustic Report (see Section 3.8.3 below and **Annexure 8**), the following controls will apply to the accommodation:

- The rooftop terrace/pool shall not be occupied by more than 12 people during the daytime and evening (7am – 10 pm);
- There is no access to the rooftop terrace/pool area at night time (10pm – 7am); and
- Terraces/courtyards to the accommodation rooms shall not be used by occupants after 10pm.

These matters are addressed in the Plan of Management (see **Annexure 7**).

### 3.7 Development Summary

The key statistics for the proposed development are summarised in **Table 3** below.

Table 3 – Development Statistics		
Element	Existing	Proposed
Building Height	Berry Hotel – RL 22.57 to front parapet (10.52m)	Berry Hotel - 10.52m (no change); proposed works – 6.95m (RL 19-12.05) Hotel addition – RL 18.521 to ridge top (6.9m) Accommodation building – RL 20.3 to rooftop (9.3m)
Accommodation	15 accommodation rooms	33 accommodation rooms: <ul style="list-style-type: none"> <li>• GF – 11 rooms;</li> <li>• FF – 15 rooms;</li> <li>• Attic – 7 rooms;</li> <li>• Size – 28.5-45sqm;</li> <li>• Accessible rooms – 3 rooms</li> </ul>
Parking	23 informal spaces (approx.) on rear of Hotel site; 16 informal public spaces (approx.) on Council land	<ul style="list-style-type: none"> <li>• At-grade parking (rear car park) – 44 sp.</li> <li>• Basement parking (accomm.) – 23 sp.</li> <li>• Hotel – 34 sp.</li> <li>• Accommodation – 33 sp.</li> <li>• Accessible parking – 4 sp.</li> <li>• Council parking – 17 sp.</li> </ul>
Hours of operation	<ul style="list-style-type: none"> <li>• 5am – 2am Mon-Sat, 6am-12 midnight Sun - whole of premises excl. outdoor deck and eating area on Queen Street;</li> <li>• 5am – 12 midnight Mon-Sat, 6am – 12 Midnight Sun - other areas.</li> </ul>	No change



## 3.8 Technical Matters

### 3.8.1 Plan of Management

The application is accompanied by a revised Plan of Management prepared by Feros Group (see **Annexure 7**) for the operation of the Hotel, including the operation of the proposed hotel accommodation.

The Plan of Management includes the management measures recommended in the submitted Acoustic Report.

### 3.8.2 Heritage

The application is accompanied by a Heritage Impact Statement (HIS) prepared by John Oultram Heritage and Design (see **Annexure 3**). The HIS reaches the following conclusions and makes the following recommendations:

#### 8.1 SUMMARY

*Overall, we consider that the proposals are a very well-considered approach to improving the amenity of the Hotel and providing accommodation and are designed to minimise the impact of the development on a place of some significance with well-planned changes and sympathetic additions.*

*The works involve limited alteration to original layouts and fabric and the proposals will maintain both layers of character evident in the Hotel.*

*The new accommodation building is sensibly sited, well scaled and detailed and is in appropriate materials and will have a limited and acceptable impact on the heritage components close to the site.*

*The works will considerably improve the amenity of the Hotel while retaining its most significant aspects. We consider that the development will have a very limited and acceptable impact on the heritage significance of the place, the surrounding conservation area and the heritage items in the vicinity.*

*The proposals are also in line with the heritage objectives and controls of the SLEP and SDCP.*

*In heritage terms, we consider that the proposals should be approved.*

#### 8.2 RECOMMENDATIONS

We would recommend the following:

##### 8.2.1 Hotel

##### 8.2.1.1 Ground Floor

- *The new door to the western lounge facing Queen Street will introduce a modern element on the original, Victorian façade and should be reconsidered.*
- *The fireplace and adjoining door (that are original) in the lounge off the main bar be retained.*
- *The existing fibrous plaster ceilings in the current TAB (that may date from the 1930s works) be retained.*

### 8.2.1.2 First Floor

- *Original doors and joinery be salvaged for reuse in the new works (p. 68).*

The recommendations of the HIS will be implemented as part of the proposed development.

## 3.8.3 Acoustic Report

The application is accompanied by an Acoustic Report prepared by Koikas Acoustics (see **Annexure 8**). The Acoustic Report undertakes an assessment of:

- Licensed premises noise – noise emissions from patrons and music in the licensed areas of the Hotel;
- Additional operations noise – noise emissions from mechanical plant and equipment, children's play area, car parking/loading dock/deliveries, accommodation guests using balconies/terraces/common areas;
- Traffic generation – noise emissions from on-road vehicle noise and traffic generated by the development; and
- Inter-tenancy noise – guidelines for the required separation between rooms in the accommodation building.

The Report reaches the following conclusions:

*Koikas Acoustics was requested to conduct an acoustical assessment and prepare a report for the proposed hotel extension and accommodation rooms at the Berry Hotel, located at 120 Queen Street, Berry NSW. The acoustical report is to accompany a development application to be submitted to Shoalhaven Council.*

*The assessment considers potential noise impacts on future occupants of the development, and surrounding residents such that acceptable acoustic amenity is maintained.*

*Acoustic planning levels have been referenced from current L&GNSW, EPA, NSW Road Noise Policy and BCA 2022 acoustic planning guidelines and requirements.*

*The included recommendations are based on designs prepared by H&E Architects.*

*The conclusions reached in this acoustical report should assist Council in making their determination of the proposal. A further detailed acoustical report may be required for the CC submission should the building design be amended, or as required by Council.*

*Of the assessed components of noise, the following conclusions have been reached:*

- *Noise emissions from licensed areas of the hotel are predicted to comply with the relevant L&GNSW noise conditions, provided the recommendations as outlined in Section 5.5 of this report are implemented correctly.*
- *Operational noise emissions from the hotel and accommodation rooms are predicted to comply with the relevant EPA NPfI noise conditions, provided the recommendations as outlined in Section 6.4 of this report are implemented correctly.*
- *A detailed assessment of mechanical plant noise should be prepared for the subject development before construction.*
- *Acoustical treatments for common floors and service partitions included within this report would be adequate for satisfying the sound insulation provisions of the BCA 2022 for the accommodation rooms.*

*In our professional opinion, there is sufficient scope within the proposed building design to achieve the applied acoustic planning guidelines (p. 50).*

The Report's recommendations are as follows:

### **5.5 RECOMMENDED NOISE CONTROLS** (for the pub)

*This report finds that the following noise control/noise management strategies are recommended for the proposed development:*

#### **Window/Glazing Recommendations**

- *The southern windows/doors of the Sports Bar that open onto the Sports Bar Terrace should be a minimum of 10.38 mm laminated glass, and achieve a minimum Rw rating of 34.*
- *All other windows and glass doors are required to be a minimum of 6.38 mm laminated glass and achieve a minimum Rw rating of 32.*
- *All windows and doors to the sports bar, dining pavilion, lounge room and kids' play area should remain closed except as used for entry and exit.*
- *The lounge bar and bistro windows and doors may be open during daytime and evening hours only (7 am – 10 pm). The windows and doors to these areas should remain closed after 10 pm, except as used for entry and exit.*
- *The lounge dining windows and doors may remain open during all operating hours.*

#### **Physical Recommendations**

- *The Sports Bar Terrace should have a solid barrier of at least 1.8 m in height that surrounds the terrace (see figures below).*
- *The solid barriers surrounding the Sports Bar Terrace and outdoor dining area should be constructed out of the following:*
  - *15 mm compressed fibre cement panels with no air gaps at the joins; or*
  - *6 mm compressed fibre cement panels on either side of a 50mm steel frame with fibreglass insulation batts (14 kg/m<sup>2</sup>) to the cavity; or*
  - *Double-lapped 15 mm thick timber fence palings offset so that there are no air gaps. This equates to a total barrier thickness of 30 mm; or*
  - *Hollow or solid concrete block wall; or*
  - *An approved equivalent wall type.*

#### **Operational Recommendations**

- *The outdoor dining area should not be occupied by more than 80 people during daytime or evening hours.*
- *The outdoor dining area should not be occupied by more than 40 people after 10 pm.*
- *The Sports Bar Terrace should not be occupied by more than 20 people during the daytime or evening hours.*
- *The Sports Bar Terrace should not be occupied after 10 pm.*
- *The outdoor lounge dining area should not be occupied by more than 15 people at any time. (pp. 23-5)*

### **6.4 RECOMMENDATIONS** (for carpark, deliveries, hotel accommodation rooms and rooftop, children's play room)

*The following noise mitigation measures are required to comply with the relevant noise control guidelines.*

- *The rooftop terrace/pool area should not be occupied by more than 12 people during the daytime and evening [0700 – 2200 hours].*

- *The rooftop terrace/pool area should not be occupied during the nighttime [2200 – 0700 hours].*
- *The accommodation room terraces should not be occupied after 10 pm.*
- *All deliveries to the hotel should occur during the daytime [0700 – 1800 hours].*
- *Delivery trucks and cars should be advised not to idle stationary whilst parked on delivery items to the hotel.*
- *A detailed mechanical plant noise assessment should be conditioned as part of the development consent as outlined in Section 6.1. Mechanical plant noise should be assessed cumulatively with operation noise emissions from the hotel.*
- *The solid barriers surrounding the accommodation room terraces should be at least 1.8m high.*
- *A 1.2 m high solid barrier should surround the accommodation room rooftop terrace and pool area.*
- *The solid barriers should be constructed out of the following materials:*
  - *15 mm compressed fibre cement panels with no air gaps at the joins; or*
  - *6 mm compressed fibre cement panels on either side of a 50mm steel frame with fibreglass insulation batts (14 kg/m) to the cavity; or*
  - *Double-lapped 15 mm thick timber fence palings offset so that there are no air gaps. This equates to a total barrier thickness of 30 mm;*
  - *Solid concrete block work/solid 110 mm brick; or*
  - *12.38 mm laminated glass ( $R_w \geq 36$ ); or*
  - *15 mm solid polycarbonate;*
  - *An approved equivalent wall type. (pp. 34-6)*

As noted above, the above recommended management measures are included in the Plan of Management for the pub and accommodation (see **Annexure 7**). The recommended physical measures will be implemented as part of the proposed works.

### 3.8.4 Traffic and Parking Report

The application is accompanied by a Traffic and Parking Report prepared by Traffix (see **Annexure 9**). The Report reaches the following conclusions:

*In summary:*

- *The proposal seeks approval for alterations and additions to the existing Berry Hotel located at 120 Queen Street & 77-83 Princess Street, Berry comprising an additional 349m<sup>2</sup> Pub Licensed Floor Area (LFA) and an additional 18 motel accommodation units and upgrades to the existing onsite carpark.*
- *The proposed development provides 67 parking spaces for the Hotel, an improvement to the existing parking provision (+44 spaces) and includes upgraded parking facilities comprising a basement carpark and sealed ground floor carpark with line marked spaces, thereby improving amenity, and providing superior parking facilities for guests and visitors.*
- *The proposed development also provides 17 sealed spaces on Council's land at 77 Princess Street.*
- *The proposed development (+349m<sup>2</sup> Pub LFA and +18 motel rooms) results in demand for an additional 24 parking spaces in total (6 additional Pub parking spaces and 18 additional motel parking spaces) and an additional 44 parking spaces above existing parking provisions will readily accommodate the projected increase in parking demand with a surplus of 20 parking spaces.*
- *It has been demonstrated that all parking demands are readily accommodated within the subject development with no reliance on public parking spaces. It is therefore*

evident that any perceived oversaturation of parking spaces within the existing onsite carpark can be attributed to vehicles not associated with visitors of the subject site.

- The traffic generation arising from the development has been assessed as a net change over existing conditions and equates to an additional 20 (+20) vehicle trips per hour during the evening peak which is considered a conservative assessment. As such, no external improvements are required to facilitate the proposed development. The traffic impacts of the development are therefore considered acceptable.
- The basement and at-grade carpark has been assessed to comply with the requirements of AS 2890.1 (2004) and AS 2890.6 (2022), thereby ensuring safe and efficient operation.

This traffic impact assessment therefore demonstrates that the subject application is supportable on traffic planning grounds. TRAFFIX anticipates an ongoing involvement during the development approval process. (p. 22)

### 3.8.5 Arboricultural Impact Assessment Report

An Arboricultural Impact Assessment Report has been prepared for the proposed development by Jacksons Nature Works (see **Annexure 2**).

The Report provides a description of 41 existing trees and vegetation on the site and immediately adjoining public and private land and undertakes an assessment of the impact of the proposed development on the existing vegetation.

The findings and recommendations of the Report as are as follows:

3.2 We have examined the trees on site and can suggest the following considerations for the development works:

1. The following trees are located on the eastern side of 122 Queen Street building and are not impacted by the development works: Tree 1 Magnolia soulangiana, tree 2 Camellia sasanqua, tree 3 Jacaranda mimosifolia, tree 4 Archontophoenix cunninghamiana, tree 5 Poinsettia sp. tree 6 Acmena smithii.

*It is proposed to retain all of these trees in the development works.*

2. The following trees are within the proposed new hotel area: tree 7 x Cupressocyparis leylandii, tree 8 Lagerstroemia indica, tree 9 Macrozamia communis – refer plate 1, tree 10, 11 & 12 Archontophoenix cunninghamiana, tree 13 Butia capitata – refer plate 2.

*To undertake the development works these trees will need to be removed.*

*However, it will be possible to transplant Trees 9 & 13 on site, rather than merely cutting them down.*

*Trees 10, 11 & 12 are assessed to be of low retention value and due to their close proximity to the heritage building as they are likely to damage the building as their trunks push against the foundations.*

3. The following trees are classified as Exempt species in Council's DCP:

Tree 14 Schefflera arboricola, tree 25 Platanus x acerifolia (5.2.3 Exemptions d), tree 26 Archontophoenix cunninghamiana (5.2.3 Exemptions d), tree 27 Liriodendron tulipifera (5.2.3 Exemptions d), tree 28 Salix chilensis Fastigiata (5.2.3 Exemptions d), tree 34 Fraxinus griffithii (5.2.3 Exemptions d), tree 36 & 37 Camellia japonica (5.2.3

Exemptions d), tree 38 & 40 *Citrus x sinensis* (5.2.3 Exemptions d), tree 39 *Citrus x limon* (5.2.3 Exemptions d) and tree 41 *Citrus reticulata* (5.2.3 Exemptions d).

*Note these exempt trees for removal in the development works.*

4. *The following trees are located in the neighbouring sites: Tree 15 *Magnolia grandiflora* Little Gem, tree 16 *Brachychiton acerifolius* and tree 33 *Ligustrum lucidum* (this tree is a declared Noxious Weed and should be removed by the owner of this tree).*

*These trees are not impacted by the development works and can be retained.*

5. *The following trees are located in Council's nature strip as street trees: Tree 17 *Fraxinus* sp., tree 18, 19, 20, 21 & 22 *Magnolia grandiflora* Little Gem and tree 35 *Callistemon viminalis*.*

*It is proposed to retain these street trees as part of the development works.*

*Note these street trees for retention and protection in the development works.*

6. *The following trees are within the development works: Tree 23 *Photinia glabra* (hedge) – refer plate 3, tree 24 *Acmena smithii* x 2 (stumps with epicormic branches/foliage being hedged – low retention. Not considered a tree!) – refer plate 4, tree 29 & 30 *Lagerstroemia indica* – refer plate 5, tree 31 & 32 *Magnolia grandiflora* – refer plate 6.*

*Removal of these trees is supported as part of the development works.*

3.3. *There is ample space on site to replant replacement trees in the landscape works, including the transplanting of Trees 9 & 13 – refer landscape plans (Annexure C).*

#### 4. RECOMMENDATIONS

*The following recommendations are advised:*

- a) *Retain the following council street trees: Tree 17, 18, 19, 20, 21, 22 & 35.*
- b) *Retain the following trees: Tree 1, 2, 3, 4, 5, 6.*
- c) *Transplant the following trees on Site: Tree 9 & 13.*
- d) *Remove the following trees on site: Tree 7, 8, 10, 11, 12, 23, 24, 29, 30, 31 & 32.*
- e) *Remove the following exempt trees on Site: Tree 14, 25, 26, 27, 28, 36, 37, 38, 39, 40 & 41.*
- f) *Retain the following neighbours' trees: Tree 15, 16 & 33.*
- g) *Tree removal work shall be carried out by an experienced tree surgeon in accordance with Safe Work Australia Guide for Managing Risks of Tree Trimming and Removal (2016).*
- h) *Install the following Tree Protection Measures around the retained street tree: Trees 17, 18, 19, 20, 21, 22 & 35, tree protection measures shall be a temporary fence of chain wire panels 1.8 metres in height (or equivalent), supported by steel stakes or concrete blocks as required and fastened together and supported to prevent sideways movement. Existing boundary fences or walls are to be retained shall constitute part of the tree protection fence where appropriate. A sign is to be erected on the tree protection fences of the trees to be retained that the trees are covered by Council's*

tree preservation orders and that "No Access" is permitted into the tree protection zone – Refer Annexure D.

- i) Install the following Tree Protection Measures around the retained trees on site: Tree 1, 2, 3, 4, 5, 6, tree protection measures shall be a temporary fence of chain wire panels 1.8 metres in height (or equivalent), supported by to prevent sideways movement. A sign is to be erected on the tree protection fences of the trees to be retained that the trees are covered by Council's tree preservation orders and that "No Access" is permitted into the tree protection zone – refer Annexure D.
- j) That a Tree Management Plan & Transplanting Methodology be prepared as part of the Construction Certificate by a consulting arborist who holds the Diploma in Horticulture (Arboriculture), Level 5 or above under the Australian Qualification Framework.
- k) An AQF Level 5 Project Arborist shall be engaged to supervise the building works and certify compliance with all Tree Protection Measures.
- l) The tree location plan can be found on Annexure B; &
- m) The tree impact plan can be found on Annexure C. (pp. 5-10)

The proposed Landscape Plans (see **Annexure 6**) have been prepared in accordance with the above recommendations, including transplanting of Trees 09 and 13.

The proposed development will be undertaken in accordance with the recommendations of the Report.

### 3.8.6 CPTED Assessment Report

A CPTED Assessment Report has been prepared for the proposed development by Design Collaborative (see **Annexure 10**). It concludes as follows:

*This Report concludes that the proposed development adequately incorporates CPTED principles and appropriately employs the 4 key CPTED strategies as defined by the NSW Police Force.*

*The proposal demonstrates consistency with CPTED strategies through its physical design, proposed technical/electronic and formal measures, as well as management measures as set out in the Plan of Management (submitted separately). It provides for satisfactory environmental and social conditions in and around the proposed development to create the perception or reality of capable guardianship and to minimise adverse safety and security impacts associated with the proposed development. (p. 10)*

### 3.8.7 Access Report

An Access Report has been prepared for the proposed development by Lindsay Perry Access (see **Annexure 11**).

The Report concludes as follows:

*This report demonstrates that the fundamental aims of accessibility legislation are achievable within the proposed development. Spatial planning and general arrangements of facilities will offer inclusion for all building users.*

*Disability is often defined as any limitation, restriction or impairment which restricts everyday activities and has lasted or is likely to last for at least 6 months. Disabilities can be very varied.*

They can be physical, cognitive, intellectual, mental, sensory, or developmental. They can be present at birth or can occur during a person's lifetime. They can also be permanent or temporary. In Australia, almost one in five people – 4.3 million – have a disability with one in three having severe or profound core activity limitation.

Equity and dignity are important aspects in the provision of access to buildings for all users. With respect to people with a disability, equity and dignity are sometimes overlooked in the construction of new buildings or refurbishment works. The design approach needs to maintain a high level of equity for people with disabilities and meet the performance requirements of the BCA. The performance requirements adopt two main concepts in the provision of access for people with a disability being **to the degree necessary** and **safe movement**. Both of these concepts need to be achieved within the context of equitable and dignified access.

In this respect, a wide range of disabilities needs consideration and a compromise reached between requirements of different disability groups. Measures need to be implemented to ensure inclusion of all users, not a particular disability group in isolation.

We consider that the drawings presented for assessment, for the purposes of a development application, demonstrate that compliance with current statutory requirements affecting accessibility is achievable subject to detailed design at the construction certificate stage (refer to Appendix 1 for requirements). (p. 24)

### 3.8.8 BCA Reports

Two BCA Reports have been prepared for the proposed development by 360 Certification, one for the alterations and additions to the Berry Hotel (pub) and one for the hotel accommodation and rear carpark (see **Annexure 12**).

#### **Alterations and Additions to the Berry Hotel (pub)**

The BCA Report addressing the proposed alterations and additions to the Berry Hotel (pub) concludes, in part, as follows:

*Report C2023003-Pub is primarily limited to the existing pub that is to undergo alterations and additions.*

*The assessment of the documentation has revealed that the building is primarily capable of complying with the Deemed-to-Satisfy [herein 'DTS'] provisions of the National Construction Code, Volume One, Building Code of Australia 2022, [herein 'BCA 2022'], and where necessary the Performance Requirements, without modification that would require the development consent to be modified (p. 3).*

The Report identifies a number of design considerations to be addressed in detailed design.

#### **Hotel accommodation and Car Park**

The BCA Report addressing the proposed hotel accommodation and car park concludes, in part, as follows:

*Report C2023003 is primarily limited to the new hotel accommodation facing Princess Street.*

*The assessment of the documentation has revealed that the building is primarily capable of complying with the Deemed-to-Satisfy [herein 'DTS'] provisions of the National Construction Code, Volume One, Building Code of Australia 2022, [herein 'BCA 2022'], and where necessary the Performance Requirements, without modification that would require the development consent to be modified (p. 3).*



The Report identifies a number of design considerations to be addressed in detailed design.

### 3.8.9 Stormwater Management

A stormwater management report and plans prepared by Enscape Studio are contained in **Annexure 13**. They detail the proposed stormwater management measures, including on-site detention and sediment and erosion controls and for the proposed development.

### 3.8.10 Waste Management Plan

A Waste Management Plan prepared by Power Waste Management is contained in **Annexure 14**. It details the proposed operational waste management procedures and measures for the proposed development.

Waste management procedures and details for the demolition and construction phases will be addressed as part of the CC stage.

### 3.8.11 Geotechnical Investigation and Acid Sulfate Soils Assessment

A Geotechnical Investigation and Acid Sulfate Soils Assessment has been prepared for the site by STS Geotechnics (see **Annexure 15**).

It contains an assessment of the geological and subsurface conditions on the site. Excavation is likely to encounter fill and natural silty clays which are expected to be able to be readily removed by excavators. It makes recommendations in relation to excavation conditions and safe batter slopes, retaining wall design parameters and foundation design parameters (pp. 3-7).

It also contains an acid sulfate soils assessment (pp. 7-9) which indicates that the site is within an area mapped with no known occurrence of acid sulfate soil, the site conditions do not indicate any risk associated with acid sulfate soils and no Acid Sulfate Soils Management Plan is required.

### 3.8.12 Preliminary Site Investigation

A Preliminary Site Investigation prepared by El Australia is contained in **Annexure 15**. Its findings and recommendations are summarised as follows):

*The property located at 120-122 Queen Street and 81-83 Princess Street, Berry NSW was the subject of a Preliminary Site Investigation. The site is located within the Local Government Area (LGA) of Shoalhaven City Council. Legally the site is identified as Lot 1 in Deposited Plan (DP) 578257, Lots 1, 2 and 3 in Deposited Plan (DP) 342913 and Strata Plan (SP) 93194. The site covers a total area of approximately 5,171sqm.*

*The investigation was prepared to accompany a Development Application to Shoalhaven City Council to redevelop the site for mixed (commercial/residential) use with a single level basement. The development would require minor excavation to remove the remaining concrete slab and to install services and foundations, to meet design requirements.*

*Based on the findings of this assessment, it is concluded that:*

- *At the time of this investigation the site was occupied by various commercial businesses, including a hotel (120 Queen Street), real estate agency and beauty salon (122 Queen Street), a low density residential building (81 Princess Street) and vacant land (83 Princess Street).*
- *There was no evidence of any leaks or stains on the surface surrounding the area.*

- Aerial photography/land titles indicated that the site has been primarily occupied by the hotel building (120 Queen Street) since 1880s), the adjacent commercial building (122 Queen Street) since 1800s and the residential building (81 Princess Street) since 1970s. Land use has generally been passive, and there is not history of industrial or manufacturing use.
- The site was free of statutory notices and licensing agreements issued under the Contaminated Land Management Act 1997 and Protection of the Environment Operations Act 1997. The site was not included on the List of NSW Contaminated Sites Notified to the EPA.
- There were no entries for the site on the POEO Register. One entry was found within a 500m radius of the site, however, did not identify a potential for contamination to migrate and pose an unacceptable risk to the subject site.
- The CSM developed for the site identified that there was some potential for contamination to exist at the site due to weathering fallout of hazardous buildings material (asbestos containing materials, lead-based paint) used in the past for construction and upkeep of the existing buildings. The potential for contamination to be present in imported fill (if present at the site) was low. The potential for site contamination from commercial operation of the site was low.

Based on the findings of this PSI, and with consideration of EI's Statement of Limitations (Section 7), it was concluded that there was a low risk of widespread contamination existing on the land. Any materials required for excavation can be managed by construction environmental management plans prepared as part of the site earthworks in accordance with State Environmental Planning Policy (Resilience and Hazards), EI consider that the site is suitable for the proposed commercial development.

EI provide the following recommendations for the site:

- A hazardous materials inspection should be undertaken to confirm the presence of any hazardous materials within the existing building structures, and include methods to effectively remove the material to ensure no residual impacts remain.
- A clearance inspection of former footprints and waste classification of surplus materials should be undertaken following the demolition process, in order to dispose the waste based on EPA (2014) Waste Classification Guidelines.
- A Construction Environmental Management Plan (CEMP) is to be prepared by the principal or earthworks contractor. The CEMP should consider the normal environmental issues that may occur during development such as but not limited to dust, noise, odour, vibration, safety and traffic and also include:
  - Waste management of soils (including fill) to ensure that are appropriately classified for disposal in accordance with the NSW EPA Waste Management Guidelines (Part 1 Classifying Waste); and
  - Provide unexpected finds protocols should any unexpected contamination or hazardous materials like Underground Storage Tank (UST), stained or odorous soil, foreign materials, burial pits and areas of fill or soil that are different from the general substrate are identified during site earthworks. (p. i-ii)

### 3.8.13 Biodiversity and Values Map and Threshold (BMAT) Report

A Biodiversity and Values Map and Threshold (BMAT) Report is attached as **Annexure 18** which indicates that there are no biodiversity values mapped for the site and the proposed development does not exceed the clearing threshold for the Biodiversity Offsets Scheme. Accordingly, a Biodiversity Development Assessment Report (BDAR) is not required.

## 4. Statutory Planning Assessment

This section undertakes an assessment of the Application using the heads of consideration as required under s. 4.15(1)(a) of the *EP&A Act*.

### 4.1 Environmental Planning Instruments

#### 4.1.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of the Resilience and Hazards SEPP relates to remediation of land. In accordance with the requirements of Clause 4.6 the application is accompanied by a Preliminary Site Investigation report (see **Annexure 16**).

The Report concludes that potential for contamination risk at the site is low and the site is suitable for the proposed development. The proposed development will be undertaken in accordance with the recommendations of the report relating to hazardous materials inspection and waste classification.

#### 4.1.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 of the Biodiversity and Conservation SEPP relates to clearing vegetation in non-rural areas. As noted above, approval is sought for the removal of trees and other vegetation on the site as part of the proposed development.

A BMAT Report is contained in **Annexure 18** which indicates that there are no biodiversity values mapped for the site and the proposed development does not exceed the clearing threshold for the Biodiversity Offsets Scheme. Accordingly, a Biodiversity Development Assessment Report (BDAR) is not required.

The existing trees and assessment of impact are addressed in the submitted Arborist's Report (see **Annexure 2**). Extensive replacement planting, including transplanted existing and new tree plantings are proposed as shown on the submitted Landscape Plans (see **Annexure 6**), prepared taking into account the recommendations of the Arborist's Report.

#### 4.1.3 Shoalhaven LEP 2014 (the LEP)

##### Zoning and Permissibility

The Subject Site is zoned primarily E1 Local Centre under the LEP with part zoned SP2 Infrastructure – Car Parking and Servicing and part zoned R2 Low Density Residential.

##### **E1 Local Centre Zone**

The Land Use Table for the E1 zone is as follows:

<b>Zone E1 Local Centre</b>	
<b>1 Objectives of zone</b>	<ul style="list-style-type: none"> <li>• To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.</li> <li>• To encourage investment in local commercial development that generates employment opportunities and economic growth.</li> <li>• To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.</li> <li>• To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.</li> <li>• To ensure that development is of a scale that is compatible with the character of the surrounding residential environment.</li> </ul>
<b>2 Permitted without consent</b>	Nil
<b>3 Permitted with consent</b>	Amusement centres; Artisan food and drink industries; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; <b>Commercial premises</b> ; Community facilities; Entertainment facilities; Function centres; Home industries; <b>Hotel or motel accommodation</b> ; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation facilities (indoor); Respite day care centres; Service stations; Serviced apartments; Shop top housing; Tank-based aquaculture; Veterinary hospitals; Any other development not specified in item 2 or 4
<b>4 Prohibited</b>	Agriculture; Air transport facilities; Airstrips; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Wharf or boating facilities

The proposed development on the E1 zoned land is defined as a **pub** for the purposes of the LEP. **Pubs** are permitted with consent in the E1 zone as a type of **commercial premises**.

It is noted that the definition of a **pub** includes any hotel or motel accommodation. Nevertheless, as shown above, development for the purposes of **hotel or motel accommodation** is permissible in the E1 zone.

The Application meets the relevant E1 zone objectives as it:

- Relates to an existing and well-established use which contributes to the range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area and seeks to upgrade and expand that use;
- Provides for investment in local commercial development that generates employment opportunities and economic growth;
- Provides for non-residential land uses on the ground floor of buildings; and
- Is of a scale that is compatible with the character of the surrounding residential environment.

### SP2 Infrastructure Zone

The Land Use Table for the SP2 zone is as follows:

Zone SP2 Infrastructure	
<b>1 Objectives of zone</b>	<ul style="list-style-type: none"> <li>To provide for infrastructure and related uses.</li> <li>To prevent development that is not compatible with or that may detract from the provision of infrastructure.</li> </ul>
<b>2 Permitted without consent</b>	Nil
<b>3 Permitted with consent</b>	Aquaculture; Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose
<b>4 Prohibited</b>	Any development not specified in item 2 or 3

As noted above, the purpose shown on the Land Zoning Map is **car parking and servicing**. The proposed development on the SP2 zoned land comprises the access driveway and car parking (on Council-owned land) and is therefore for development **ordinarily incidental or ancillary to the permitted purpose of car parking and servicing**.

The Application meets the relevant SP2 zone objectives as it provides for infrastructure and related uses.

### R2 Low Density Residential Zone

While part of the site is zoned R2 under the LEP (occupied by part of the Berry Inn and the adjoining parking area), no development is proposed on that part of the site as part of the proposal.

The proposed development has no effect on the Berry Inn, the approved use of No. 122 Queen Street for offices purposes or the approved use of the existing carpark forming part of SP 93194.

### Permissibility

Accordingly, the proposed development is permissible with consent.

## Part 2 - Principal Development Standards

Table 4 – Development Standard			
Standard	Shoalhaven LEP	Proposed	Complies
4.3 Height of building	8.5m	9.3m max. (to roof of proposed accommodation building)	No

## Clause 4.6 - Exceptions to Development Standards

Clause 4.6 of the LEP provides a mechanism for the variation of development standards. In particular, Clause 4.6(3) provides:

*Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

The written request referred to in Clause 4.6(3) in relation to the breach of the height development standard is contained in **Annexure 17**. The request demonstrates that the proposal meets the underlying objectives of the standard, that compliance would be unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify the breach.

It is noted that the NSW Department of Planning provides guidance on how to prepare Clause 4.6 variations in the form of *Varying development standards: A Guide* (August 2011). The written request to vary the standard is based on the Department's Guide.

## Clause 5.10 Heritage Conservation

As noted above, the application is accompanied by a HIS prepared by John Oultram Heritage and Design (see **Annexure 2**) which concludes that the proposed development is satisfactory with regard to all relevant heritage matters.

The assessment of the heritage impact of the proposed development set out in the HIS provides, in part, as follows:

### **7.2.3 Demolitions**

#### *7.2.3.1 Berry Hotel – Ground Floor (see Table at pp. 52-54 of HIS for detail)*

*The works will retain the front colonnade, the entry hall, stair and arch and the western lounge largely as along with exposed brick finishes to the bars maintaining the historic character of the Hotel.*

### **7.3 Alterations**

#### *7.3.1 Generally*

*The alterations are less extensive but are generally in areas that have already been altered. The changes are assessed in table form below (see Table on p. 56 of HIS). ...*

### 7.3.2 Additions

#### 7.3.2.1 Hotel

The Hotel is to be extended to the east in a series of gabled roof additions to provide for bistro, kitchens and back of house and service rooms and a dining pavilion and enclosed play area.

The extensions infill the current drive that is redundant as access to the car park is readily available from the rear. The works will allow for the formation of a garden to the street that will considerably improve the presentation of the site to Queen Street. The extension extends into the site of the former CBC Bank but the additions here are set behind the later addition to the west of the Bank.

The additions are single storey and only connect to the hotel beyond the main bar where the side wall steps in at the upper level with a lower, skillion roof at the connection. The addition here will replace the mish-mash of additions along the eastern side of the hotel.

The additions are set well back from the street and are single storey to ensure that they are subservient elements to the Hotel and the former Bank. The lower scale and front setbacks will ensure that the development has no impact on public views to each building and maintain their prominence in the streetscape. The service wing will not be visible from Queen Street or Princess Street.

The building have simple forms and are simply detailed in render and timber cladding with corrugated, metal roofs to provide a quiet backdrop to the two heritage buildings with contemporary doors and windows to allow access to the external areas to the front.

We consider that the proposals are well considered to limit the impact of the new works while considerably improving the amenity of the hotel for staff and patrons.

#### 7.3.2.2 Princess Street Accommodation

The house at 81-83 is to be replaced with a three storey building is set to the central section of the site and to the current drive with an inset entry lobby to the east with staff and plant areas off.

The building is in face brick with a mansard, metal roof with dormers and a parapet to the two storey section to the east. The front garden walls are in perforated brick and timber.

Princess Street is more domestic in scale and detail than Queen Street though there is a two storey, commercial premise at the corner of Prince Alfred Street and Princess Street and the St Luke's Anglican Church complex is opposite.

The proposed development is higher than the buildings close to though lower than that Hotel parapets) but has a two storey form to the east adjoining the cottage to Prince Alfred Street with a three storey form to the west that is slightly higher than the modern development to the west.

Parking is provided below ground with an access ramp to the north from the car park.

The development will provide destination accommodation for visitors to allow longer stays than the short stop-overs common for those leaving the recently completed bypass.

The new building is brick to the lower facades with a mansard, metal roof to the three storey section to provide for rooms in the roof and limit the overall scale and provide articulation.

*The building has gardens to Princess Street with perforated brick walls, plantings and palisade style, timber fences to provide privacy to the ground floor rooms. The detail here has been changed from higher brick walls to reflect previous comments to provide a more relaxed frontage to the street.*

### **7.3.3 Landscaping and External Works**

*The front drive and adjoining areas will be relandscaped for a garden to Queen Street with a pergola over the outdoor dining area. This section of the site is quite moribund and the works will considerably improve the setting of both the Hotel and former CBC Bank and provide greenery to the street.*

*The car park will be reconfigured and repaved to formalise the car park. Car parking is at a premium in the township and the works will allow for parking for hotel guests (noting that the accommodation building in Princess Street has its own underground Parking). The parking area will not be visible from Queen Street or Princess Street and will use the existing, rear drive.*

*The car park arrangement will allow for trees to replace the listed Lilli Pillies that have been reduced to stumps (pp. 50-60).*

The HIS concludes that the proposed development is consistent with the heritage objectives of the LEP with regard to impacts on the Berry Hotel and former CBC bank heritage items, heritage items in the vicinity and the Queen Street Heritage Conservation Area (see also p. 61-64 in **Annexure 3**).

The recommendations of the HIS (p. 68) will be implemented as part of the proposed development.

Accordingly, the proposed development is satisfactory with regard to heritage matters.

## **Clause 7.2 Earthworks**

The proposed earthworks/excavation will be undertaken in accordance with the recommendations of the submitted Geotechnical Report and Preliminary Site Investigation (see **Annexures 15** and **16**) and Council's standard requirements. These measures will ensure that its potential impacts are minimised and that it will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The HIS (see **Annexure 3**) states that the proposed excavation is satisfactory from a heritage perspective (p. 50).

## **Clause 7.11 Essential services**

The subject site is located on land which is already serviced with regard to water, electricity and sewerage services. These services are available for the proposed development.

## **4.2 Draft Planning Instrument**

There are no Planning Proposals or Draft Planning Instruments applicable to the subject proposal.



## 4.3 Development Control Plans

The Development Control Plan relevant to the Application is Shoalhaven DCP 2014.

Section 4.15(3A) of the *EP&A Act* requires a consent authority to apply DCP provisions flexibly and allow reasonable alternative solutions that achieve the objects of those standards. Where alternate solutions to a provision are proposed, they are addressed below.

### 4.3.1 Shoalhaven DCP 2014 (the DCP)

#### Area Specific Controls

#### Chapter N2 – Berry Town Centre

##### 5.1 Development in Berry Town Centre

The proposed development meets the objectives and is generally consistent with the controls for development in Berry Town Centre, in that:

- The proposal has been designed to minimise conflict between residential and commercial activities through its site-planning and design, the distribution of proposed activities and proposed management regime. More active functions, including the main public areas of the Hotel and outdoor dining, open to the Queen Street frontage. The existing Hotel building and proposed addition provide shielding and, together with the rear car park, provide separation from neighbouring development to the east and south.
- While the part of the site fronting onto Princess Street is not proposed to be used for housing as stated in the DCP, the proposed hotel accommodation on that part of the site is considered to be compatible with residential use and an appropriate alternative in the applicable Employment zone where most residential uses are prohibited.

The proposed hotel accommodation is considered to be a use well-suited to the more residential character of Princess Street with similar patterns of use and lower levels of activity compared with other commercial activities in Queen Street open to the general public. In addition, the existing land use pattern in this part of Princess Street is mixed with other existing non-residential uses, being a food and drink premises and church, opposite the site.

- The design, form and scale of the proposed accommodation building is considered to be compatible with and complementary to the residential streetscape (see **Figure 20**). The proposed accommodation building presents to Princess Street as a two storey building with rooms in the roof over the western part stepping up from two storeys at the eastern end. The proposed built form thereby provides a transition from the rear of the neighbouring single storey dwelling house to the east (fronting Prince Alfred Street). The maximum height of the proposed accommodation building is generally consistent with the recent two storey residential development to the west of the site and sits below the height of the Berry Hotel, directly to the north. Materials and finishes, including brick, timber and corrugated iron are consistent with the elements of the surrounding residential character and streetscape. Landscaped front gardens/courtyards address the street front in a manner complementary to the residential setting.



**Figure 20: Proposed Princess Street Elevation**

Source: H&E Architects

- The proposed development will not give rise to significant adverse impacts on the amenity of surrounding residential development in terms of noise (see **Annexure 8**) or loss of visual privacy or solar access (discussed further below). Adherence to the Plan of Management (see **Annexure 7**) will ensure that the Hotel and proposed accommodation will be appropriately managed to minimise impacts associated with operations and patron/visitor behaviour.
- The proposed development provides for an active frontage to Queen Street and the rear car park through the upgrade of the existing Hotel and its expansion to the east. The Hotel and accommodation address both the street frontages and the rear car park with main pedestrian entries from both directions;
- The proposed development avoids blank walls and uninviting spaces at street level. The streetscape presentation of the proposed development is much improved compared with the existing situation through the proposed built form and character, together with the proposed new landscaping to the frontages and elsewhere on the site; and
- Outdoor seating and dining areas face onto Queen Street and adjoin the car park.

### **Protection of Residential Amenity**

#### Noise

The submitted Acoustic Report demonstrates that the proposed development will comply with relevant noise criteria, subject to the implementation of its recommendations (see **Annexure 8**). As noted above, the recommended management/operational measures are included in the Plan of Management for the pub and accommodation (see **Annexure 7**). The recommended physical measures will be implemented as part of the proposed works.

Accordingly, the proposed development will not result in significant adverse noise impacts on surrounding development associated with:

- Pub operations;
- Use of the accommodation rooms and associated external areas;
- Parking and traffic, including deliveries, on and around the site; and
- Mechanical plant.

In addition, the submitted Acoustic Report provides recommendations for the proposed accommodation building (floors, ceilings and partitions; services/pipes; entry doors; rooftop pool) to ensure that sound insulation within that building meets applicable BCA standards (see **Annexure 8**).

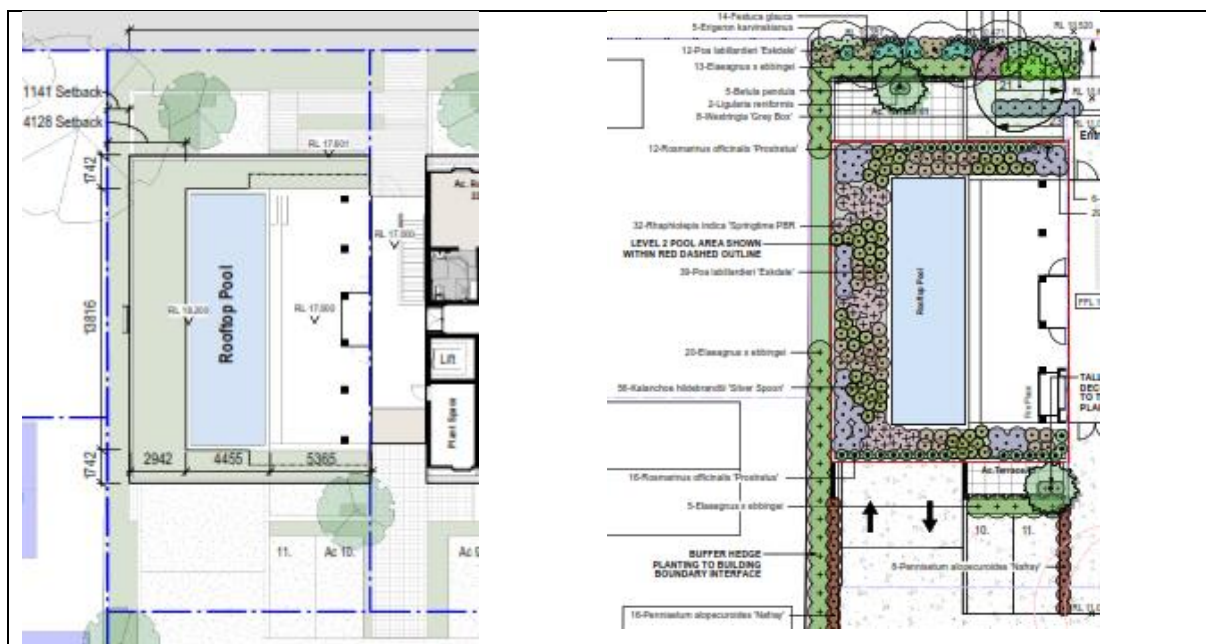
#### Visual Privacy

The proposed development has been designed to provide for appropriate levels of privacy between the proposal and surrounding development, including adjoining residential development.

The alterations and additions to the Berry Hotel are largely contained to the northern frontage of the site, well-separated from the adjoining residential properties. In particular, the proposed addition is single storey and will not give rise to potential for overlooking to any neighbouring property.

The proposed accommodation building has been designed to provide an outlook from common areas and proposed accommodation rooms over Princess Street to the south and the rear car park to the north. There are no windows to accommodation rooms facing any boundaries with neighbouring residential properties. Windows to the common corridors facing the side boundaries will be in translucent glass to prevent overlooking.

Potential for overlooking from the proposed rooftop swimming pool and terrace is addressed in the proposed design through the setbacks from the eastern façade to the proposed pool and rooftop terrace, together with the proposed landscaping around the pool (see **Figure 21**).



**Figure 21: Rooftop Pool/Terrace and Landscaping**

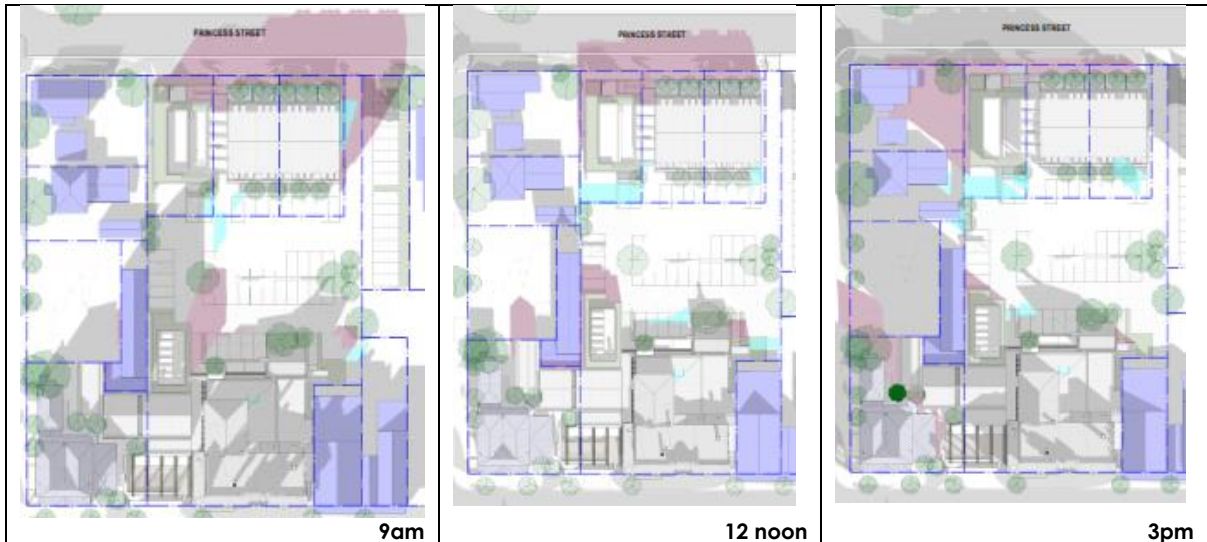
Source: H&E Architects; Site Design + Studios

The proposed landscaping extends around 3 sides of the proposed swimming pool and terrace and will prevent public access to the roof edges. Landscaping has a width of some 2.8m along the eastern edge of the roof (total setback of 4.128m from the eastern boundary to the pool) and some 1.7m along the northern and southern edges. The proposed roof terrace is set back some 7m from the eastern edge of the roof preventing views down to the neighbouring properties. These features will protect the visual privacy of the neighbouring residential properties to the east.

### Overshadowing

The submitted shadow diagrams (see **Annexure 5**) demonstrate that the proposed development will not result in significant additional overshadowing to neighbouring properties. The shadow diagrams show that, at midwinter, additional overshadowing during the morning and at noon will primarily fall over Princess Street and parking on Council's land (see **Figure 22**).

The proposal will result in additional overshadowing of the rear garden of the dwelling house at No. 21 Prince Alfred Street during the afternoon. However, solar access to that property during the morning and noon is not affected (see **Figure 22**).



**Figure 22: Shadow Diagrams – Midwinter** (additional shadow shown pink)  
Source: H&E Architects

Accordingly, the proposed development appropriately protects the amenity of neighbouring residential development and minimises conflict between residential and commercial activities.

## 5.2 Built Form and Character

The proposed development meets the objectives and is generally consistent with the built form and character controls, in that:

- As set out in the HIS (see **Annexure 3**), the proposed addition and new accommodation building are complementary to the heritage characteristics of the town centre:

### 7.3.2.1 Hotel

*The Hotel is to be extended to the east in a series of gabled roof additions to provide for bistro, kitchens and back of house and service rooms and a dining pavilion and enclosed play area.*

*The extensions infill the current drive that is redundant as access to the car park is readily available from the rear. The works will allow for the formation of a garden to the street that will considerably improve the presentation of the site to Queen Street. The extension extends into the site of the former CBC Bank but the additions here are set behind the later addition to the west of the Bank.*

*The additions are single storey and only connect to the hotel beyond the main bar where the side wall steps in at the upper level with a lower, skillion roof at the connection. The addition here will replace the mish-mash of additions along the eastern side of the hotel.*

*The additions are set well back from the street and are single storey to ensure that they are subservient elements to the Hotel and the former Bank. The lower scale and front setbacks will ensure that the development has no impact on public views to each building and maintain their prominence in the streetscape. The service wing will not be visible from Queen Street or Princess Street.*

*The building have simple forms and are simply detailed in render and timber cladding with corrugated, metal roofs to provide a quiet backdrop to the two heritage buildings with contemporary doors and windows to allow access to the external areas to the front.*

*We consider that the proposals are well considered to limit the impact of the new works while considerably improving the amenity of the hotel for staff and patrons.*

### 7.3.2.2 Princess Street Accommodation

*The house at 81-83 is to be replaced with a three storey building is set to the central section of the site and to the current drive with an inset entry lobby to the east with staff and plant areas off.*

*The building is in face brick with a mansard, metal roof with dormers and a parapet to the two storey section to the east. The front garden walls are in perforated brick and timber.*

*Princess Street is more domestic in scale and detail than Queen Street though there is a two storey, commercial premise at the corner of Prince Alfred Street and Princess Street and the St Luke's Anglican Church complex is opposite.*

*The proposed development is higher than the buildings close to (though lower than the Hotel parapets) but has a two storey form to the east adjoining the cottage to Prince Alfred Street with a three storey form to the west that is slightly higher than the modern development to the west.*

*Parking is provided below ground with an access ramp to the north from the car park.*

*The development will provide destination accommodation for visitors to allow longer stays than the short stop-overs common for those leaving the recently completed bypass.*

*The new building is brick to the lower facades with a mansard, metal roof to the three storey section to provide for rooms in the roof and limit the overall scale and provide articulation.*

*The building has gardens to Princess Street with perforated brick walls, plantings and palisade style, timber fences to provide privacy to the ground floor rooms. The detail here has been changed from higher brick walls to reflect previous comments to provide a more relaxed frontage to the street (pp. 57-59).*

- The proposed Hotel addition and new accommodation building meet the controls in that they:
  - Generally have pitched roofs. The proposed Hotel addition combines pitched roof forms with gable ends and a flat roof over the rear wing. The accommodation building has a mansard roof, providing for a third level of accommodation as rooms in the roof, and a flat roof for a rooftop recreational/swimming pool terrace;
  - The Hotel addition has a verandah/pergola element to the active frontage to Queen Street;
  - Are divided into modules that provide visual interest. The Hotel addition is divided by built form and roof form. The hotel accommodation is divided by the stepped built form and height, indented entry element, façade detailing and fenestration;
  - Have façades that are varied and articulated to provide visual interest through the use of varied materials and fenestration patterns which signal different activities/functions;
  - Utilise a mix of materials including brick, concrete, timber and corrugated iron compatible with the existing buildings on the site and surrounds; and
  - Service areas are designed to be compatible with the architecture of the main building;

- The design of the new accommodation building and proposed Hotel addition are in keeping with the height, bulk and density of their location. The proposed addition has a single storey height (see **Figure 23**), while the two storey (with rooms in the roof) scale of the proposed accommodation is compatible with other development in Princess Street (see **Figure 20**, above);



**Figure 23: Proposed Queen Street Elevation**

Source: H&E Architects

- Proposed setbacks are compatible with those of adjoining buildings/development.
 

The proposed Hotel addition is setback from the frontage behind a pergola-covered outdoor dining area. As noted in the submitted HIS (see **Annexure 3**), *the additions are set well back from the street and are single storey to ensure that they are subservient elements to the Hotel and the former Bank and ensure that the development has no impact on public views to each building and maintains their prominence in the streetscape. The service wing will not be visible from Queen Street or Princess Street (p. 56).*

The setback of the proposed hotel accommodation building from Princess Street is generally consistent with the setback of the neighbouring residential development to the west. While the ground level courtyards project into this setback, this is compatible with a residential streetscape;
- The roof forms of the new accommodation building and the proposed Hotel addition are varied to minimise bulk.
 

For the new accommodation building, the roof form combines a flat roof at the eastern end and a mansard roof form (containing the upper level) for the remainder of the building.

The proposed Hotel addition utilises separate pitched roofs across the width of the building and a flat roof over the rear;
- The proposed new building and proposed Hotel addition are compatible with adjoining and adjacent heritage items as set out above (see also **Annexure 3**); and
- The proposed new accommodation building and proposed Hotel addition provide for pedestrian comfort, interest and safety.

### 5.3 Protection of Heritage Significance

The proposed development is satisfactory with regard to the protection of heritage significance as set out in the HIS in **Annexure 3**.

## 5.4 Car Parking, Pedestrian Routes and Servicing

The provision of car parking and servicing for the proposed development is addressed in the submitted Traffic Report (see **Annexure 9**) which concludes:

*In summary:*

- *The proposal seeks approval for alterations and additions to the existing Berry Hotel located at 120 Queen Street & 77-83 Princess Street, Berry comprising an additional 349m<sup>2</sup> Pub Licensed Floor Area (LFA) and an additional 18 motel accommodation units and upgrades to the existing onsite carpark.*
- *The proposed development provides 67 parking spaces for the Hotel, an improvement to the existing parking provision (+44 spaces) and includes upgraded parking facilities comprising a basement carpark and sealed ground floor carpark with line marked spaces, thereby improving amenity, and providing superior parking facilities for guests and visitors.*
- *The proposed development also provides 17 sealed spaces on Council's land at 77 Princess Street.*
- *The proposed development (+349m<sup>2</sup> Pub LFA and +18 motel rooms) results in demand for an additional 24 parking spaces in total (6 additional Pub parking spaces and 18 additional motel parking spaces) and an additional 44 parking spaces above existing parking provisions will readily accommodate the projected increase in parking demand with a surplus of 20 parking spaces.*
- *It has been demonstrated that all parking demands are readily accommodated within the subject development with no reliance on public parking spaces. It is therefore evident that any perceived oversaturation of parking spaces within the existing onsite carpark can be attributed to vehicles not associated with visitors of the subject site.*
- *The traffic generation arising from the development has been assessed as a net change over existing conditions and equates to an additional 20 (+20) vehicle trips per hour during the evening peak which is considered a conservative assessment. As such, no external improvements are required to facilitate the proposed development. The traffic impacts of the development are therefore considered acceptable.*
- *The basement and at-grade carpark has been assessed to comply with the requirements of AS 2890.1 (2004) and AS 2890.6 (2022), thereby ensuring safe and efficient operation.*

*This traffic impact assessment therefore demonstrates that the subject application is supportable on traffic planning grounds. TRAFFIX anticipates an ongoing involvement during the development approval process. (p. 22)*

The proposal provides for the formalisation of the informal carpark serving the Berry Hotel and creation of new basement parking for the proposed hotel accommodation. The location of the proposed parking is consistent with the DCP and is adequate and convenient for visitors to the site. There will be safety benefits for visitors and the public generally through the formalisation and marking of the parking to the rear of the Hotel and proposed accommodation building.

The proposal also provides for the formalisation of the existing parking and access on 77 Princess Street owned by Council through the provision of hardstand, 17 x parking spaces, kerbing, line-marking and drainage works.

The proposal provides for safe pedestrian linkages to the car park from Queen Street and Princess Street which are direct and minimise conflicts with vehicles, as required. The proposal

provides for the through-site link illustrated in the DCP via the proposed addition which will be available to the public during the hours of operation of the Hotel.

A loading dock and waste storage are provided within the rear of the proposed Hotel addition accessible from the proposed car park for the use of the development in accordance with the submitted Waste Management Plan (see **Annexure 14**).

### 5.6 Footpath Café

No footpath seating is proposed as part of the development. All outdoor seating is proposed within the boundaries of the site.

All exterior lighting will be consistent with DCP requirements in that it will be:

- Adequate for public spaces;
- Architecturally integrated with the buildings, materials and colours; and
- Vandal resistant.

### 5.7 Landscaping and Environmental Management

The proposed development will promote energy and water efficiency through its design, construction and use, in that:

- The proposed development would be capable of being naturally ventilated;
- Site orientation and passive solar design has informed the site planning and design of the proposed Hotel addition and the proposed outdoor area;
- The proposed development will not overshadow public spaces between the hours of 10am and 3pm on any day, apart from overshadowing of the Princess Street frontage; and
- Stormwater plans are contained in **Annexure 13**;

In addition, the proposal will comply with Section J of the BCA, as required (see **Annexure 12**).

The appearance, amenity and energy efficiency of the proposed development will be enhanced through high quality landscape design as shown in the submitted landscape plans (see **Annexure 6**).

### 5.9 Precinct 2 – Mixed use Commercial/Residential

The proposal is consistent with the intent of the section to provide car parking and access off Princess Street. The proposal involves the formalisation of the parking on the land owned by Council at 77 Princess Street (Lot 1 DP 209665) through the provision of hardstand to the access driveway and parking spaces (17 spaces), new kerb, line-marking and drainage.

As noted above, the part of the proposed development fronting Princess Street comprises hotel accommodation which is considered to be compatible with residential development. In addition, the design is considered to be complementary to the residential streetscape.

It is noted that, under the E1 zoning, most residential accommodation is prohibited on the site's Princess Street frontage with the exception of only *shop top housing* and *boarding houses*.



### 5.10 Precinct 3 – Berry Hotel (Lot 1 DP 578257)

The proposed development is considered to be consistent with the controls applicable to the Berry Hotel site, in that:

- The proposed Hotel addition is visually appropriate respecting the desired future and local character of the town centre and the heritage significance of the hotel (see also **Annexure 3**);
- The proposed built form responds to the existing and proposed pattern of the surrounding context with particular regard to the existing buildings on the site;
- The proposed built form will have minimal solar access impact on public space or habitable space of adjoining properties as discussed above and shown in the submitted shadow diagrams (see **Annexure 5**);
- The proposal provides for adequate on-site car parking (see **Annexure 9**); and
- Pedestrian footpath links are provided to nearby commercial properties, public car parks and Queen Street. The proposal maintains the through-site link from the Queen Street frontage to carparking and Princess Street via the proposed addition.

## Chapter 2 General and Environmental Considerations

### 3 European Heritage

The proposed development is satisfactory with regard to European heritage as set out in the submitted HIS (see **Annexure 3**).

### 5 Crime Prevention Through Environmental Design

The proposed development is satisfactory with regard to Crime Prevention through Environmental Design (CPTED) matters as set out in the submitted CPTED Assessment Report (see **Annexure 10**).

## Generic Controls

### G1 – Site Analysis, Site Design and Building Materials

The required site analysis plan is contained in **Annexure 5**. The site analysis has informed the site design and layout and provides for a proposal which:

- is integrated within the surrounding environment with adequate pedestrian and vehicle links to the street,
- buildings that face and address streets and the public domain;
- buildings, streetscape and landscape design that relates to the site topography and to the surrounding neighbourhood character; and
- enhances personal safety and minimises potential for crime and vandalism.

The site design and building materials controls in this Chapter are not applicable to the proposed development as it is in not a rural or environmental zone, or in a coastal area.

## G2 – Sustainable Stormwater Management and Erosion/Sediment

A stormwater management report and plans for the proposed development are contained in **Annexure 13**. They detail the proposed and stormwater management measures, including on-site detention, and erosion and sediment control measures for the proposed development. They demonstrate that stormwater can be appropriately managed in accordance with Council's requirements.

## G3 – Landscaping Design Guidelines

Landscaping is proposed on the site as shown on the Landscape plans (see **Annexure 6**), including proposed roof top plantings on part of the Hotel addition and the hotel accommodation building.

The proposal includes the removal of a number of trees and existing vegetation throughout the site. The removal of these trees is supported in the submitted Arborist's Report which notes that there is ample space to provide new tree plantings as part of the proposed development (see **Annexure 2** and Section 3.8.5, above).

Proposed landscaping comprises a mix of tree, shrub, groundcover and grasses plantings on the site comprising a mix of native and exotic species as shown on the proposed Landscape plans. Two existing trees are to be transplanted in accordance with the recommendations of the Arborist Report (see **Annexure 2**). New plantings are proposed:

- On the Queen Street frontage and between the proposed addition and the existing building at 122 Queen Street;
- At the rear of the Berry Hotel adjoining and highlighting entries;
- Within the carpark, including large central tree plantings and boundary plantings;
- Around the accommodation building to the Princess Street frontage and at entries, within ground level courtyards, boundary hedge plantings;
- Roof plantings on the rear wing of the Hotel addition and the hotel accommodation building around 3 sides of the proposed roof-top swimming pool.

The proposed landscape design meets the applicable controls in that:

- Suitable landscaping and tree plantings are proposed to replace existing trees proposed to be removed as supported/recommended in the submitted Arborist Report. Two trees are to be transplanted in accordance with the recommendations of the Arborist Report (see **Annexure 2**). New tree plantings are proposed throughout the site, including around the existing/proposed buildings and within the rear car park. The proposed landscaping of the site will contribute to and improve streetscape character to both Queen Street and Princess Street and integrate the proposed development into the streetscapes;
- The proposed tree planting to the Queen Street frontage considers amenity through the inclusion of a "deciduous tree grove" to provide summer shade and winter sun. Similarly, deciduous trees are proposed within the courtyards of the Ground floor hotel accommodation rooms to allow for winter sunlight access. Proposed trees within the rear car park will provide summer shade;
- A landscape plan is provided as required (see **Annexure 6**) and includes a planting schedule and details in accordance with the requirements of the DCP;
- The proposed landscaping is designed to meet user requirements, including maintenance, provision of summer sun and winter shade and aesthetic qualities for the various parts of the proposed development;

- The proposed landscaping is designed to enhance the appearance of the streetscape with substantial landscaping to the street frontages and landscape character which is compatible with the surrounding town centre and adjoining residential area and responds to the heritage significance and context of the site. A mix of native and exotic plantings are proposed;
- The proposed landscape plan meets relevant objectives in that it:
  - specifies the locations and species of proposed plantings;
  - uses vegetation and landscaping that will blend the proposed development in the streetscape;
  - uses landscaping of an appropriate scale relative to the proposed buildings and street width;
  - considers personal safety with low plantings and taller trees around entries and paths to allow good visibility and views through the site. Taller shrubs provide screening and provide a backdrop where appropriate;
  - contributes to energy efficiency as noted above;
  - improves privacy and limits overlooking, particularly through the proposed roof-top landscaping to the hotel accommodation building around the proposed swimming pool;
- Proposed paving will be complementary to the development and the town centre setting; and
- Existing street trees on the Queen Street frontage are not affected by the proposed development (see **Annexure 2**). Additional tree plantings are proposed within the rear car park as noted above.

#### **G4 – Tree and Vegetation Management**

The tree and vegetation management requirements of the DCP are addressed in the submitted Arborist's report (see **Annexure 2**). The Report provides a description of 41 existing trees and vegetation on the site and immediately adjoining public and private land and undertakes an assessment of the impact of the proposed development on the existing vegetation.

The recommendations of the Report as are as follows:

#### **4. RECOMMENDATIONS**

*The following recommendations are advised:*

- a) *Retain the following council street trees: Tree 17, 18, 19, 20, 21, 22 & 35.*
- b) *Retain the following trees: Tree 1, 2, 3, 4, 5, 6.*
- c) *Transplant the following trees on Site: Tree 9 & 13.*
- d) *Remove the following trees on site: Tree 7, 8, 10, 11, 12, 23, 24, 29, 30, 31 & 32.*
- e) *Remove the following exempt trees on Site: Tree 14, 25, 26, 27, 28, 36, 37, 38, 39, 40 & 41.*
- f) *Retain the following neighbours' trees: Tree 15, 16 & 33.*
- g) *Tree removal work shall be carried out by an experienced tree surgeon in accordance with Safe Work Australia Guide for Managing Risks of Tree Trimming and Removal (2016).*

- h) *Install the following Tree Protection Measures around the retained street tree: Trees 17, 18, 19, 20, 21, 22 & 35, tree protection measures shall be a temporary fence of chain wire panels 1.8 metres in height (or equivalent), supported by steel stakes or concrete blocks as required and fastened together and supported to prevent sideways movement. Existing boundary fences or walls are to be retained shall constitute part of the tree protection fence where appropriate. A sign is to be erected on the tree protection fences of the trees to be retained that the trees are covered by Council's tree preservation orders and that "No Access" is permitted into the tree protection zone – Refer Annexure D.*
- i) *Install the following Tree Protection Measures around the retained trees on site: Tree 1, 2, 3, 4, 5, 6, tree protection measures shall be a temporary fence of chain wire panels 1.8 metres in height (or equivalent), supported by to prevent sideways movement. A sign is to be erected on the tree protection fences of the trees to be retained that the trees are covered by Council's tree preservation orders and that "No Access" is permitted into the tree protection zone – refer Annexure D.*
- j) *That a Tree Management Plan & Transplanting Methodology be prepared as part of the Construction Certificate by a consulting arborist who holds the Diploma in Horticulture (Arboriculture), Level 5 or above under the Australian Qualification Framework.*
- k) *An AQF Level 5 Project Arborist shall be engaged to supervise the building works and certify compliance with all Tree Protection Measures.*
- l) *The tree location plan can be found on Annexure B; &*
- m) *The tree impact plan can be found on Annexure C. (pp. 5-10)*

The proposed Landscape Plans (see **Annexure 6**) have been prepared in accordance with the above recommendations, including transplanting of Trees 09 and 13. The proposal involves the planting of numerous additional trees to replace those sought to be removed from the site.

The proposed development will be undertaken in accordance with the above recommendations.

Accordingly, the proposal is satisfactory with regard to tree and vegetation management.

### **G7 – Waste Minimisation and Management Controls**

The application is accompanied by an Operational Waste Management Plan (see **Annexure 14**) which details proposed waste management measures for the proposed development.

Waste management procedures and details for the demolition and construction phases will be addressed as part of the CC stage.

### **G11 – Subdivision**

#### **5.22 Commercial Subdivision**

The proposal includes the consolidation of 4 lots as part of the proposed development, being Lot 1 DP 578257 containing the existing Berry Hotel and Lots 1-3 DP 342913 fronting Princess Street into one lot. The proposed lot has an area of 3,845.1sqm.

The proposed consolidation does not give rise to any planning issues of concern. The proposed consolidation will assist future operation and management of the Hotel and accommodation. Existing easements and encumbrances affecting the lots are retained and are reflected in the proposed development, including access and parking.

## G15 – Tourist and Visitor Accommodation

Section 2 of Chapter G15 provides that it does not apply to hotel or motel accommodation uses.

Nevertheless, the proposed hotel accommodation is satisfactory in the context of the controls in that:

- As described above, the height and design of the proposed hotel accommodation is satisfactory in its town centre and heritage context (see also **Annexure 3**);
- The proposed building will meet the requirements of Section J of the BCA with regard to energy efficiency requirements;
- The proposed accommodation meets accessibility requirements as set out in the submitted Access report (see **Annexure 11**). The proposal includes 3 accessible rooms and 2 disabled parking spaces;
- All services are available to the site of the proposed accommodation;
- The proposed accommodation is not located in a sensitive environment, being in a town centre location;
- There is a low risk of acid sulfate soils (see **Annexure 15**);
- The site is not subject to natural hazards;
- The proposed hotel accommodation will not give rise to significant impacts on the amenity of neighbouring properties by way of noise, visual privacy or overshadowing, as detailed above, in the context of Chapter N2 of the DCP;
- Satisfactory access and parking are provided for the proposed accommodation (see **Annexure 9**); and
- Management provisions for the hotel accommodation are contained in the Plan of Management in **Annexure 7**.

## G17 – Business, Commercial and Retail Activities

### 5.1 Business, Commercial and Retail Development

The proposed development meets the requirements, in that:

- The proposed addition to the Hotel building will provide legibility and definition to the streetscape of Queen Street by replacing the existing driveway to the Hotel site, various additions to the eastern façade of the Hotel and extending to the rear of 122 Queen Street. The proposed addition is setback from the Queen Street frontage and has a single-storey contemporary design so that it is subservient to and distinguishable from the heritage listed Berry Hotel and neighbouring 122 Queen Street (see also **Annexure 3**). The proposal will allow the heritage listed buildings to remain prominent in the streetscape.

The replacement of the existing driveway off Queen Street on the Berry Hotel site is considered beneficial for the streetscape, while the proposal retains the pedestrian link through the site to the rear car park and beyond as noted in the DCP.

A pergola covered outdoor area occupies the front setback to provide activation, a generous entry to the site and landscaping to the frontage and to effect an appropriate transition between the two heritage buildings. Fencing facing the street frontage is low and open to the street.

- The alterations and additions to the existing Berry Hotel building will generally not be visible in the streetscape of Queen Street, being internal alterations or minor additions primarily at the rear of the building;

- The design, form and scale of the proposed accommodation building is considered to be compatible with and complementary to surrounding development in Princess Street. The proposed accommodation building presents to Princess Street as a two storey building with rooms in the roof over the western part stepping up from two storeys at the eastern end. The proposed built form thereby provides a transition from the rear of the neighbouring single storey dwelling house to the east (fronting Prince Alfred Street). The built form is further modulated by the indented entry, the proposed façade detailing and materials. The maximum height of the proposed accommodation building is generally consistent with the recent two storey residential development to the west of the site.
- Materials and finishes, including brick, timber and corrugated iron are consistent with elements of the site and surrounding residential character and streetscape. Landscaped front gardens/courtyards address the street front of Princess Street in a manner complementary to the more residential setting.
- The proposed building design, material and finishes are satisfactory in the site context and complementary to the character of the streetscape, as discussed above (see also **Annexure 3**);
- The proposed development will contribute to street activity and provides for engaging and safe streetscapes with service areas to the rear;
- The proposal has considered and incorporated CPTED principles as set out in **Annexure 10**;
- The proposed development will not generate excessive odours;
- The proposed development will not generate contaminated wastes. Waste management procedures for the proposed development are detailed in the submitted Waste Management Plan (see **Annexure 14**);
- No change is proposed to the existing hours of operation of the Berry Hotel;
- Fire safety matters are addressed in the submitted BCA reports (see **Annexure 12**); and
- As discussed above and shown in the submitted shadow diagrams (see **Annexure 5**), the overshadowing impact of the proposed development is satisfactory.

#### **G18 – Streetscape Design for Town and Village Centres**

The proposal is capable of compliance with DCP and Council's technical requirements for streetscapes in terms of footpaths and street trees.

#### **G21 – Car Parking and Traffic**

The proposed development is satisfactory with regard to traffic and parking as set out in the submitted Traffic Impact Assessment (see **Annexure 9**).

### 4.4 Any Planning Agreement or Draft Planning Agreement

There is no Planning Agreement that has been entered into under s. 7.4 of the EP&A Act, nor is there any Draft Planning Agreement that the applicant is offering to enter.

### 4.5 The Regulations

Any relevant matter prescribed by the Regulations relevant to the Subject Site or to the proposed development would be expected to be included in the consent for the proposal.

## 5. Assessment of Key Planning Matters

This section undertakes an assessment of the Application using the heads of consideration as required under s. 4.15(1)(b)-(e) of the *EP&A Act*.

### 5.1 Likely Impacts

All likely or potential impacts associated with the proposed development are considered to have been adequately dealt with through the assessment of the application against the applicable plans and policies. It is concluded that there would be no significant adverse impact on the site or surrounding area as a result of the proposal.

The proposal has a satisfactory performance with regard to the applicable development objectives under the LEP and DCP and operational matters will be appropriately managed through the implementation of the proposed Plan of Management for the pub and accommodation. As a result of the design and proposed management measures, the proposal will not give rise to significant adverse impacts on the locality.

#### 5.1.1 Context & Setting

The proposed development relates appropriately to the context and setting of the site, the existing buildings and its heritage significance (see **Annexure 3**). The proposed development is well-planned to ensure that conflict is minimised with surrounding residential development through site-planning, the distribution of activities and the use of separation and screening. The more active *pub* use is contained to the Queen Street frontage while the hotel accommodation provides for a use compatible with residential and other development in Princess Street. The rear car park within the centre of the site provides for separation between uses on the site. The Hotel and accommodation address both the street frontages and the rear car park with main pedestrian entries from both directions.

No change is proposed to the existing height of the Berry Hotel. The proposed addition to the Hotel building will replace the existing driveway to the Hotel site off Queen Street, various additions to the eastern façade of the Hotel and will extend on to the rear of 122 Queen Street. The proposed addition is setback from the Queen Street frontage and has a single-storey contemporary design with varied roof forms so that it is subservient to and distinguishable from the heritage listed Berry Hotel and neighbouring 122 Queen Street (see also **Annexure 3**). The form and scale of the proposal will allow the heritage listed buildings to remain prominent in the streetscape.

The pergola covered outdoor area occupies the front setback and provides activation, a generous entry to the site and landscaping to the frontage and will effect an appropriate transition between the two heritage buildings. The proposal will make a positive contribution to the active frontage of Queen Street.

The design, form and scale of the proposed hotel accommodation building is considered to be compatible with and complementary to surrounding development in Princess Street.

The proposed accommodation building presents to Princess Street as a two storey building with rooms in the roof over the western part stepping up from two storeys at the eastern end. The proposed built form thereby provides a transition from the rear of the neighbouring single storey dwelling house to the east (fronting Prince Alfred Street). The built form is further modulated by the indented entry, reinforced by the proposed façade detailing and materials.

The use of the mansard roof form over the western end moderates the bulk and scale, together with the façade design and articulation, use of materials and fenestration. Landscaped front gardens/courtyards address the street front in a manner complementary to the residential setting.

While slightly in excess of the 8.5m LEP height standard, the maximum height of the proposed accommodation building is generally consistent with the recent two storey residential development to the west of the site and meets the underlying objectives of the standard (see **Annexure 17**). The setback of the proposed hotel accommodation building from Princess Street is consistent with the setback of the neighbouring residential development to the west. While the ground level courtyards project into this setback, this is compatible with a residential streetscape.

New landscaping around and on the buildings and the site and will provide an appropriate setting for the proposed development, while also providing screening and assisting way-finding.

The proposed development, including the bulk, scale and roof form of the proposed new buildings, together with integrated landscaping, will complement the streetscapes of Queen Street and Princess Street and will contribute to the amenity and character of the town centre.

### 5.1.2 Heritage

As set out in the submitted HIS (see **Annexure 3**) the proposed development is satisfactory with regard to heritage matters.

### 5.1.3 Noise

As set out in the submitted Acoustic Report (see **Annexure 8**), the proposed development achieves compliance with the applicable acoustic criteria subject to implementation of a range of management and physical measures. The management measures are readily implemented and are included in the Plan of Management for the pub and accommodation (see **Annexure 7**). The physical measures will be implemented through the proposed works.

Accordingly, the proposed development will not give rise to adverse noise impacts on surrounding development.

### 5.1.4 Traffic and Parking

As set out in the submitted Traffic Report (see **Annexure 9**), the proposed development is satisfactory with regard to traffic and parking matters.

The proposed development will not give rise to adverse traffic or parking impacts on the surrounding area.

The proposal seeks to formalise the parking on 77 Princess Street (Lot 1 DP 209665) owned by Council involving the provision of hardstand to the access driveway, parking spaces (17 spaces), new kerb and line-marking and drainage works. The proposal is consistent with the masterplan for the Berry Town Centre contained in Shoalhaven DCP 2014.

### 5.1.5 Residential Amenity, Management and Social Impacts

The proposed development involves the expansion of the Berry Hotel through the new addition to its east, together with new hotel accommodation in a new building on the Princess Street frontage. No changes are proposed to the existing hours of operation of the pub as part of the proposal.

As noted above, the proposed development is planned and designed to minimise conflict with surrounding residential development through site-planning, the distribution of activities, and the use of separation and screening. The more active *pub* use is contained to the Queen Street frontage while the hotel accommodation provides for a use compatible with residential and other development in Princess Street. The car park within the centre of the site provides for separation between uses on the site.



Potential external impacts on residential amenity arising from the proposal are appropriately addressed. In particular, potential noise impacts associated with the proposal are addressed through management and physical design measures as recommended in the Acoustic Report (see **Annexure 8**). The proposed development will comply with relevant noise criteria.

The proposal has been designed to minimise visual privacy impacts and will not result in excessive overshadowing.

The Plan of Management (see **Annexure 7**) includes the recommendations of the Acoustic Report.

The proposed development will be operated by an experienced team which will implement the Plan of Management to ensure that it is appropriately managed. In this regard, all relevant harm mitigation and responsible service and consumption of liquor provisions will be followed. The proposal is not likely to contribute adversely to or significantly worsen any presently acceptable level of social impacts. The practices and procedures in the Plan of Management will also ensure that the Hotel and hotel accommodation minimise impacts on the surrounding area and ensures the safety of patrons and visitors. The design of the proposed development is consistent with CPTED principles.

In addition, the proposed development will provide benefits to the local community, including upgraded leisure facilities with a strong focus on food and high quality fit-out supported by new accommodation in an accessible town centre location as well as additional employment.

Accordingly, the proposed development will not result in any adverse impacts on the amenity of the area, including nearby residential development. The implementation of the Plan of Management will mitigate social and amenity impacts associated with the operation of the proposed development.

### 5.1.7 Building Matters

The proposed development is satisfactory with regard to building matters.

The proposal provides for appropriate accessibility in accordance with applicable requirements to and within the Ground floor of the Hotel and throughout the hotel accommodation building.

The proposed development is capable of meeting the requirements of the BCA.

Geotechnical requirements can be readily addressed.

### 5.1.8 Potential Hazards

The site is within an area mapped with no known occurrence of acid sulfate soils, the site conditions do not indicate any risk associated with acid sulfate soils and no Acid Sulfate Soils Management Plan is required.

Potential for contamination risk at the site is low and the site is suitable for the proposed development. The proposed development will be undertaken in accordance with the recommendations of the Preliminary Site Investigation report relating to hazardous materials inspection and waste classification.

### 5.1.9 Stormwater and Waste Management

The submitted stormwater management report and plans demonstrate that stormwater generated on the site can be appropriately dealt with, including on-site detention

requirements for the proposed development. Sediment and erosion controls will be implemented during construction in accordance with the submitted plans.

The submitted Operational Waste Management Plan demonstrates that appropriate measures will be in place to manage wastes generated by the proposed development. Waste management procedures and details for the demolition and construction phases will be addressed as part of the CC stage.

## 5.2 Suitability of the Site

The proposal involves alterations and additions to the existing Berry Hotel, including its expansion onto the neighbouring site at 122 Queen Street, and the provision of new hotel accommodation on the site, together with new landscaping and upgraded access and parking facilities. The proposal seeks to upgrade and expand the existing facilities provided by the Hotel to provide a family-friendly food and dining offering, improved amenity and functionality for patrons and a high quality accommodation option suitable for all visitors. The proposal maintains the existing hours of operation of the Hotel and other existing operational controls under its licence. The proposal will make a positive contribution to the town centre and will provide facilities and support for the visitor economy of Berry.

The proposed development is permissible in the E1 zone that applies to the majority of the site and the proposal responds appropriately to the relevant controls and the context of the site and surrounding area, including the heritage significance of the site and town centre. The proposal will not adversely effect the heritage significance of the Hotel, 122 Queen Street or the surrounding conservation area. The proposed development, including the bulk, scale and roof form of the proposed new buildings, together with integrated landscaping, will complement the streetscapes of Queen Street and Princess Street and will contribute to the amenity and character of the town centre.

The proposal has been designed taking into account site constraints and will not give rise to significant adverse amenity impacts on surrounding development. The proposed development is well-planned so that higher levels of activity are closer to the Queen Street frontage, while the proposed hotel accommodation in the southern part of the site, is compatible with the more residential character of Princess Street.

The proposed development meets applicable acoustic criteria subject to the implementation of recommended design and operational measures and the operation of the Hotel and accommodation will be appropriately managed in accordance with the submitted Plan of Management.

The proposal is satisfactory with regard to traffic and parking. In addition to providing additional parking for the Hotel and accommodation, it seeks to formalise the access/parking on Council's land at 77 Princess Street consistent with the Berry Town Centre masterplan.

The proposal has been designed to provide a safe environment for staff and visitors to the site through both physical design measures, as well as electronic and management measures.

All required services and utilities are available. Potential hazards are able to be appropriately addressed.

The assessment set out in this Statement demonstrates that other potential external impacts of the proposal are able to be mitigated or are within acceptable parameters. Accordingly, the site is considered to be suitable for the development as proposed.

### 5.3 Any Submissions Made

Public consultation is expected to be carried out by Shoalhaven Council on the submitted development application and accompanying documentation during the standard neighbour notification and advertising process. Any submissions received as a result are for the Council's consideration in its assessment of the application against applicable Plans and Policies.

### 5.4 Public Interest

The Application is considered to be in the public interest as it involves works which will not result in adverse heritage impacts on the site or surrounding area and will make a positive contribution to the town centre through an improved, family-friendly food and dining offering, improved amenity and functionality for patrons and management and high quality accommodation suitable for all visitors. The proposal will provide facilities and support for the local community and the visitor economy of Berry.

The proposed development, including the bulk, scale and roof form of the proposed new buildings, together with integrated landscaping, will complement the streetscapes of Queen Street and Princess Street and will contribute to the amenity and character of the town centre.

The proposal has been designed to minimise and appropriately manage potential adverse impacts on the amenity and safety of the locality through proposed management measures, implementation of the proposed Plan of Management as well as proposed physical design measures. No change is proposed to the existing hours of operation.

The proposal provides for an improved level of amenity for visitors and will not give rise to adverse impacts on the amenity of adjoining properties or the wider locality in terms of noise, privacy, overshadowing or traffic and parking.

The proposal will formalise the existing parking/access provided on the land owned by Council consistent with the Berry Town Centre masterplan.

The application is consistent with the underlying intentions of the relevant controls and the zone requirements. The management measures contained within the Plan of Management ensure that the operation of the pub is not likely to have detrimental impacts.

## 6. Conclusion

This Statement accompanies an Application for alterations and additions to the Berry Hotel at 120 Queen Street, Berry, expansion of the Berry Hotel onto 122 Queen Street, construction of new hotel accommodation at 79-83 Princess Street, consolidation of 4 lots and associated parking and landscaping at 120-122 Queen Street and 79-83 Princess Street, Berry together with works on 77 Princess Street, owned by Council (Lot 1 in DP 209665) to provide access and to formalise the existing parking. The Hotel will continue to operate under its licence.

The proposal does not include any works to the existing commercial building at 122 Queen Street or the Berry Inn at 17 Prince Alfred Street, Berry (which together comprise SP 93194) or to its common property.

The subject proposal is permissible with the consent of Council in the applicable E1 and SP2 zones under the provisions of Shoalhaven LEP 2014. The proposal is consistent with the objectives and underlying intentions of the development standards and other controls applicable to the site. The works on 77 Princess Street are consistent with the Berry Town Centre master plan contained in Shoalhaven DCP 2014.

The proposed development, including the bulk, scale and roof form of the proposed new buildings, together with integrated landscaping, will complement the streetscapes of Queen Street and Princess Street and will contribute to the amenity and character of the town centre. The proposed development will not adversely affect the heritage significance of the site or surrounding area.

The environmental assessment in this Statement demonstrates that there will be no unacceptable adverse impact on the amenity of the surrounding area as a consequence of the Application. The proposed development meets applicable noise criteria, will not give rise to adverse visual privacy impacts or significant overshadowing and is satisfactory with regard to traffic and parking.

The proposal has been designed to minimise and appropriately manage potential adverse impacts on the amenity and safety of the locality through proposed management measures, hours of operation, implementation of the proposed Plan of Management as well as proposed physical design measures.

In addition, the proposal will service the surrounding community through the provision of an upgraded family friendly facility with high-quality food and drink offering, together with facilities for and support to the visitor economy of Berry through the improvements to the Hotel and proposed new accommodation.

Under these circumstances, the Application is considered to be acceptable with regard to all relevant town planning and environmental issues.

It is therefore concluded that there are no valid town planning reasons why development consent should not be granted to the Application as proposed.